

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1183-70

840910-3

FILED

In the office of the Secretary of State
of the State of California

MAR 6 - 1985

At 4:15 o'clock P.M.

MARCH FONG EU, Secretary of State

By Marjorie Hershberger
Deputy Secretary of State

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

MAR 6 1985

Office of Administrative Law

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Harry Baertschi, Analyst

TELEPHONE 5-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 23-251, 23-253.1, 23-255

SECTIONS ADOPTED

SECTIONS REPEALED

MPP 23-257 and 23-259

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☒ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

2/10/84

b. DATE OF ADOPTION OF REGULATION(S)

August 28, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

7/13/84 to 7/27/84

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

Amend Section 23-251 to read:

23-251 COUNTY CODES

23-251

The following are the numbers designated for each county as the portion of the state number that identifies the county.

COUNTY	COUNTY CODE NO.	COUNTY	COUNTY CODE NO.
Alameda	01	Placer	31
Alpine	02	Plumas	32
Amador	03	Riverside	33
Butte	04	Sacramento	34
Calaveras	05	San Benito	35
Colusa	06	San Bernardino	36
Contra Costa	07	San Diego	37
Del Norte	08	San Francisco	38
El Dorado	09	San Joaquin	39
Fresno	10	San Luis Obispo	40
Glenn	11	San Mateo	41
Humboldt	12	Santa Barbara	42
Imperial	13	Santa Clara	43
Inyo	14	Santa Cruz	44
Kern	15	Shasta	45
Kings	16	Sierra	46
Lake	17	Siskiyou	47
Lassen	18	Solano	48
Los Angeles	19	Sonoma	49
Madera	20	Stanislaus	50
Marin	21	Sutter	51
Mariposa	22	Tehama	52
Mendocino	23	Trinity	53
Merced	24	Tulare	54
Modoc	25	Tuolumne	55
Mono	26	Ventura	56
Monterey	27	Yolo	57
Napa	28	Yuba	58
Nevada	29	S.F. Juvenile Court	59
Orange	30	E.A. Juvenile Court	60

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and
10604.

Amend Sections 23-253.13, .14, and .15, and adopt new Section 23-251.16 to read:

23-253 AID CATEGORY CODES CASE IDENTIFICATION NUMBER 23-253

.1 Case Number Format

The case number format shall be as follows:

Co	-	Aid	-	Ser	-	FBHAI	-	Per
00		00		0000000		0		00

.11 County identification; two digits

.12 Aid category program; two digits

.13 Serial; a seven digit sequential numeric series of independent series number shall remain constant throughout the individual's, family's, or food stamp household's eligibility in the county regardless of the aid program.

Under AFBE, add the following

.14 Family Budget Assistance Unit; to identify the separate living arrangements for individuals within the AFBE case who are living in different households; one digit numeric digit. This field may be utilized for internal purposes but must be reported to the State Department of Health Services (SDHS) as part of the fourteen digit case identification number. This number must be the same for each member of the AU.

.15 Persons number; is the a two digit number assigned to the a specific individual within the AFBE case; two digits.

.16 For the Foster Care Information System (FCIS), refer to the FCIS Reporting Instructions Manual Section 26-552.22, Item B. 1.

.2 Basic System

The aid identification system provides for a two-digit identification of the public assistance programs now in operation and offers the opportunity for further expansion as new programs are created, and as combination of programs occur.

Counties shall use two-digit numeric Public Assistance Program and subprogram codes as specified in Handbook Section 23-275.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10604 and 10851.

Number and amend Section 23-255 to read:

23-255 COUNTY SERIAL NUMBERS

23-255

- 1 Case serial numbers used in the "state number" shall be assigned by the county to applications in numerical sequence beginning with the number following the last number assigned. In no event may the serial number exceed seven digits. If a case serial number was previously assigned to an individual, family, or food stamp household, use the former case serial number except that a new number may be assigned if the case record bearing the former number has been destroyed under the provision of ~~W&I 10851~~ MPP Regulations, Section 23-353.
- 2 Counties changing from an independent series of serial numbers for each program to a single sequential series or changing the numeric assignment of AU and/or person numbers for specific procedures, shall notify SESW SDSS and indicate the SDHS prior to establishing an anticipated effective date.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554 and 10851.

Repeal Section 23-257.

23-257 ALL SPSW PERMANENT SAMPLE CASES

23-257

A permanent sample case which changes aid categories and is renumbered does not necessarily become a sample case in the new aid. For instance, a case going from 0A5 (10) to AFB (60) will get a new aid category number and to avoid duplication in AFB should get a new serial number. (Unless the county uses a single numerical sequence which eliminates the possibility of serial number duplication.) If the new serial number ends in an AFB sample case number then it becomes an AFB sample case.

If the county renumbers the cases within an aid category in order to use single sequential serial numbers for all aid categories or for other reasons, it must plan to renumber the cases so as to assure continued identification of these sample cases in the aid categories. A copy of the cross-reference list, duplicate deck of IBM cards, or a magnetic tape with number conversion tables must be sent to SPSW. Counties must notify SPSW of their plan for continued identification of the permanent sample in advance.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10554.

Repeal Section 23-259.

23-259 PUNCHED CARD FORMATS

23-259

Revised Card Formats for those reports that may be submitted on punched cards will be issued by SPSW Data Processing Systems Bureau.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10554.

FACE SHEET
(OAL-4)

85-03054
(See Instructions on Reverse)

ORD # 1083-64
OAL # 84-1214-1

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING
MAR 5 3 21 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 19 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY: *Rosalie Clou*

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAR 19 1985

At 4:04 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Newberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Harry Baertschi, Regulations Analyst

TELEPHONE

5-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED MPP Section 44-206.1

Title: _____
SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Editorial Correction and Section 44-206.1 to read:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE
ASSISTANCE UNIT (AU)

44-206

- 1 The following persons must be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.234 or .245):

FACE SHEET
(OAL-4)

85-0225-5
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD# 0484-15

RECEIVED FOR FILING

FEB 25 4 43 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 20 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services
(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

MAR 20 1985

At 4:00'clock P.M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Rick Torres, Regulations Analyst TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-403.4

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing October 18, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 1, 1984

b. DATE OF ADOPTION OF REGULATION(S)

February 21, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))
September 21, 1984 - October 5, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 63-403.4 to read:

63-403 CITIZENSHIP AND ALIEN STATUS (Continued)

63-403

•4 Reporting of Illegal Aliens

The CWD shall immediately inform the local INS office whenever personnel responsible for the certification or recertification of households discovers that an applicant or a household member is in the United States in violation of the INA under an order of deportation. For purposes of this section, the term household member shall mean a person whose name appears on the application or other documents and who would have been a food stamp household member except for his/her alien status. When a person indicates inability or unwillingness to provide documentation of alien status, that person shall be classified as an ineligible alien. In such cases the CWD shall not continue efforts to obtain such documentation. The ineligible alien's income and resources shall be available to the household as specified in Section 63-503.44. Such CWD disclosure to INS is shall be deemed to be within the administration of the Food Stamp Program as described in Section 63-201.3. [See Section 63-403.325].

•41 For reporting purposes, reliable sources of information regarding orders of deportation shall be limited to:

- (a) The alien's or other household member's admission,
- (b) Food stamp documents,
- (c) Presentation of INS documents showing that the alien is under an order of deportation.

Authority: Welfare and Institutions Code Section 18904.

Reference: 7 CFR Section 273.4(e)(1) and Federal Administrative Notice No. 83-48, February 17, 1983, and Welfare and Institutions Code Sections 18901 and 18902, Food Stamp Act of 1977 (Section 3(i) "Definition of Household").

FACE SHEET
(OAL-4)

85-0225-3
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1282-73

"Resubmission"

RECEIVED FOR FILING

FEB 25 2 52 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 2 1 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY: Linda S. McKeel
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

MAR 2 1 1985

At 4:13 o'clock P. M.

MARCH FONG EU, Secretary of State

By Nyomie Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Harry Baertschi, Regulations Analyst

TELEPHONE 5-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: Manual of Policy and Procedures - 30-753 and 30-773.731

SECTIONS ADOPTED

Manual of Policy and Procedures - 30-760, 30-768 and 30-769.9

SECTIONS REPEALED

Manual of Policy and Procedures - 10-121 and 30-769.4

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing August 23, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

7/1/83

b. DATE OF ADOPTION OF REGULATION(S)

2/19/85

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

1/11/85 to 1/25/85

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

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- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Repeal Section 10-121:

10-121 OVERPAYMENTS

10-121

.1 Cause of Overpayment

- .11 Overpayments may occur where a recipient is receiving a cash payment for the purpose of purchasing a service authorized by Division 30.
- .12 Overpayments which are due to Primary's error or are not due to applicant's or recipient's willful failure to report facts or willfully fraudulent device. These overpayments may include:
 - .121 Overpayments made where the recipient or applicant has correctly reported all material facts as required by Section 10-121.4, but the Primary has not calculated the amount of the grant correctly.
 - .122 Overpayments made because of the recipient's mistake in reporting material facts, when the mistake is due to the recipient's negligence, disability, or inability to supply correct information, or to the Primary's failure to properly act on the information from the recipient.
 - .123 Overpayments which result when the recipient receives a correctly computed payment to purchase a particular service in a given month, but does not actually purchase service in that month up to the full amount of the payment.
- .13 Overpayments due to a willful failure to report or to a willfully fraudulent device when the Primary can establish that the recipient had or did each of the following:
 - .131 Knowledge of his reporting responsibilities, including knowledge of which facts the Primary deemed essential to a determination of eligibility or need.
 - .132 Actually failed to report essential facts, or reported them incorrectly.
 - .133 Knowledge that he had failed to report essential facts or had reported them incorrectly, or knowingly failed to report any changes in income

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or other factors which would affect his eligibility.

- .14 Services payments paid pending a fair hearing decision are not overpayments and cannot be recovered unless they resulted from the recipient willfully withholding or misreporting information, or are due to any willfully fraudulent device.

.2 Primary Responsibilities

- .21 It is the responsibility of the Primary to notify the applicant or recipient of any information which will be required of the applicant or recipient in order to make a determination of eligibility and need for services.
- .22 Where necessary, a caseworker will assist the applicant in preparing the application for services.

.3 Notice of Overpayment

- .31 If the Primary determines that an overpayment has occurred as defined in Section 10-121, the Primary shall notify the recipient of the following:
 - .311 The amount of overpayment determined to have occurred.
 - .312 The method by which it proposes to recover the overpayment.
 - .313 The entitlement of the recipient to a fair hearing prior to any adjustment of his services grant. If the recipient requests a hearing within 10 days after the Primary gives notice pursuant to this section, no action shall be taken to adjust the payment before a decision on the hearing is scheduled.

.4 Recipient or Applicant Responsibilities

- .41 It is the responsibility of the applicant or recipient of services to provide the information in Section 10-121.21 to the best of the applicant's or recipient's ability.
- .42 The applicant or recipient within physical, emotional, educational or other limitations, shall:
 - .421 Complete or assist in the completion of an application for services.

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.422 Make available to the County any documents in the applicant's possession which are necessary for determination of eligibility and/or need for services.

.423 Report all facts known to the applicant which the Primary had identified as affecting eligibility or need.

.424 Report any change in these facts.

.5 Amount of Overpayment

.51 The amount of an overpayment, due to the Primary's error or to the recipient's willful or nonwillful failure to provide material information, shall be the cash amount which the recipient actually did receive and which he would not have received had the payment been correctly computed based on correct information.

.52 Overpayment due to the recipient's failure to spend the entire amount of the grant received on purchased authorized services shall be the net difference between the amount of grant received and the amount actually expended on purchase of authorized service.

.6 Methods and Limitations for Recovery of Overpayment

.61 Payment Adjustment

.611 Current payments may be reduced to recover prior overpayments which have occurred due to administrative error, the recipient's nonwillful failure to report information, or the recipient's failure to expend the entire amount of a services payment actually received for purchase of authorized services.

.612 Current payments may be reduced because of prior overpayments only if the recipient has income or resources available equivalent to the amount by which the Primary proposes to reduce grants or authorizations for service payment. Where the recipient willfully withheld information about his income or resources, such income or resources shall be considered available to the recipient for adjustment of future payments.

.613 The Primary shall have six months following the month in which the overpayment occurred, or six months following the hearing under Section

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121.313, within which to adjust current payment to recover prior overpayments. Adjustments under this section shall be prorated evenly over the entire six-month period whenever possible.

.614 The Primary shall have one year following the month in which the overpayment occurred or reasonably should have been discovered, or following the hearing under Section 10-121.313, within which to adjust current payments to recover prior payments which are due to the recipient's willful failure to report facts correctly or to any willfully fraudulent device.

.62 Demand and Suit for Restitution

.621 The Primary may demand repayment and bring an action for restitution for overpayment due to the recipient's willful failure to report facts correctly or to any willful fraudulent device.

.622 The recipient's liability for restitution shall be reduced by the amount of such recovery.

.7 Underpayments

.71 Underpayments occur when the recipient or applicant does not receive the full amount of service or payment to which there is entitlement.

.72 Underpayments due to error shall be adjusted as provided in Section 10-121.74. Underpayments due to error include:

.721 Underpayments due to mistakes on the part of the Primary, such as misfiling of documents, mathematical errors in computation, or typographical mistakes.

.722 Failure to authorize the correct amount of service when all information essential for such authorization was available to the Primary.

.723 Failure to make prompt changes in a payment or level of service as required by changes in statutes or regulations.

.724 Failure to make prompt changes in payment, level of service or fee when required by changes in income or need as reported promptly by the recipient.

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.73 Underpayments due to Primary's error do not include:

.731 Underpayments resulting from a recipient's or applicant's failure to meet reporting responsibilities.

.732 Mistakes in the Primary's exercise of discretion or opinion, where discretion or opinion is allowed in the determination of a level of service.

.74 The adjustment of the underpayment shall equal the value of the service to which the recipient or applicant was entitled to but did not receive, during the year immediately preceding the date the error is discovered.

.741 Following an award as the result of an administrative appeal or fair hearing, the amount of the underpayment shall be calculated from the date of the Primary's action under review or from a date one year prior to the fair hearing decision, whichever is later.

.742 Underpayment adjustments may be made in a lump sum if the client has been receiving a cash payment for service. In other cases, underpayments shall be adjusted by a prospective increase in the level of authorized service, or by a reduction of the recipient's liability for the service.

Authority: welfare and Institutions Code Section 10553.

Reference: welfare and Institutions Code Section 11004.

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Amend Section 30-753 by adopting new (F) and (cc), amend new sections 30-753(w) and (gg) and reletter Sections 30-753(f) through (ee) to read:

30-753 SPECIAL DEFINITIONS (Continued)

30-753

(f) Direct advance payment means a payment to be used for the purchase of authorized IHSS which is sent directly to the recipient in advance of the service actually being provided.

(g)~~ff~~ Employee means the provider of IHSS under the individual delivery method as defined in Section 30-767.13.

(h)~~fg~~ Employer means the recipient of IHSS when such services are purchased under the individual delivery method as defined in Section 30-767.13.

(i)~~fh~~ Equity Value means a resource's current market value after subtracting the value of any liens or encumbrances against the resource which are held by someone other than the recipient or his/her spouse.

(j)~~fi~~ Essential Services means:

- (1) Nonmedical personal services.
- (2) Paramedical services.
- (3) Protective supervision.
- (4) Snow removal, when appropriate.
- (5) Meal preparation.

(k)~~fj~~ Hours Worked means the time during which the provider is subject to the control of the recipient, and includes all the time the provider is required or permitted to work, exclusive of time spent by the provider traveling to and from work.

(l)~~fk~~ Housemate means a person who shares a living unit with a recipient. An able and available spouse or a live-in provider is not considered a housemate.

(m)~~ft~~ Landlord/Tenant Living Arrangement means a shared living arrangement considered to exist when one housemate, the landlord, allows another, the tenant, to share housing facilities in return for a monetary or in-kind payment for the purpose of augmenting the landlord's income. A landlord/tenant arrangement is not considered to exist

between a recipient and his/her live-in provider. Where housemates share living quarters for the purpose of sharing mortgage, rental, and other expenses, a landlord/tenant relationship does not exist, though one housemate may customarily collect the payment(s) of the other housemate(s) in order to pay mortgage/rental payments in a lump sum.

(n)(m) Licensed Health Care Professional means a person who is a physician, chiropractor, podiatrist or dentist as defined and authorized to practice in this state in accordance with the California Business and Professions Code.

(o)(n) Live-in Provider means a provider who is not related to the recipient and who lives in the recipient's home expressly for the purpose of providing IHSS-funded services.

(p)(t) Minor means any person under the age of eighteen.

(q)(p) Net Nonexempt Income means income remaining after allowing all applicable income disregards and exemptions.

(r)(t) Nonessential Service means:

- (1) All domestic services.
- (2) Heavy cleaning.
- (3) Related services except meal preparation.
- (4) Transportation services.
- (5) Teaching and demonstration services.
- (6) Yard hazard abatement, with the exception of snow removal.

(s)(t) Out-of-Home Care Facility means a housing unit other than the recipient's own home, as defined in (tu) below. Medical out-of-home care facilities include acute care hospitals, skilled nursing facilities, and intermediate care facilities. Nonmedical out-of-home care facilities include community care facilities and homes of relatives which are exempt from licensure, as specified in Section 46-325.5, where recipients are certified to receive board and care payment level from SSP.

(t)(s) Own home means the place in which an individual chooses to reside. An individual's "own home" does not include an acute care hospital, skilled nursing facility, intermediate care facility, community care facility, or a board and care facility. A person receiving an SSI/SSP payment for a

nonmedical out-of-home living arrangement is not considered to be living in his/her own home.

(u)~~(t)~~ Paper County means a county which sends its data in paper document form for entry into the payrolling system to the IHSS payrolling contractor.

(v)~~(t)~~ Payment Period means the time period for which wages are paid. There are two payment periods per month corresponding to the first of the month through the fifteenth of the month and the sixteenth of the month through the end of the month.

(w)~~(t)~~ Payrolling System means a service contracted for by the state with a vendor to ~~issue~~ calculate paychecks to individual providers of IHSS; to withhold the appropriate employee taxes from the provider's wages; to calculate the employer's taxes; and to prepare and file the appropriate tax return.

(x)~~(t)~~ Personal Attendant means a provider who is employed by the recipient and, as defined by 29 CFR 552.6, who spends at least eighty percent of his/her time in the recipient's employ performing the following services:

- (1) Preparation of meals, as provided in Section 30-757.131.
- (2) Meal clean-up, as provided in Section 30-757.132.
- (3) Planning of menus, as provided in Section 30-757.133.
- (4) Consumption of food, as provided in Section 30-757.14(c).
- (5) Routine bed baths, as provided in Section 30-757.14(d).
- (6) Bathing, oral hygiene and grooming, as provided in Section 30-757.14(e).
- (7) Dressing, as provided in Section 30-757.14(f).
- (8) Protective supervision, as provided in Section 30-757.17.

(y)~~(t)~~ Recipient means a person receiving IHSS, including applicants for IHSS when clearly implied by the context of the regulations.

(z)~~(t)~~ Severely Impaired Individual means a recipient with a total assessed need, as specified in Section 30-763.26, for 20 hours or more per week of service in one or more of the following areas:

(1) Any nonmedical personal service listed in Section 30-757.14.

(2) Preparation of means and meal cleanup when assistance with consumption of food is required.

(3) Paramedical Services.

(aa)~~(z)~~ Shared Living Arrangement means a situation in which one or more recipients reside in the same living unit with one or more persons. A shared living arrangement does not exist if a recipient is residing only with his/her able and available spouse.

(bb)~~(aa)~~ Spouse means a member of a married couple or a person considered to be a member of a married couple for SSI/SSP purposes.

(cc) Share of cost means an individual's net non-exempt income in excess of the applicable SSI/SSP benefit level which must be paid toward the cost of IHSS authorized by the county.

(dd)~~(bb)~~ SSI/SSP means the Supplemental Security Income and State Supplementary Program administered by the Social Security Administration of the United States Department of Health and Human Services in California.

(ee)~~(ee)~~ Substantial Gainful Activity means work activity that is considered to be substantial gainful activity under the applicable regulations of the Social Security Administration, 20 CFR 416.932 through 416.934. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit, or intended for profit, whether or not profit is realized, to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit.

(ff)~~(dd)~~ Substitute Payee means an individual who acts as an agent for the recipient.

(gg)~~(ee)~~ Turnaround Timesheet means a three-part document issued by the state payroll contractor consists consisting of the paycheck, the statement of earnings, and the timesheet to be submitted for the next pay period.

Authority: Welfare and Institutions Code Section 12301.1

Reference: Welfare and Institutions Code Section 11004,
12304(b), and 12304.5.

Reference: Welfare and Institutions Code Section 11004 and
12250.

Adopt Section 30-768 to read:

30-768 OVERPAYMENTS/UNDERPAYMENTS

30-768

.1 Definition of Overpayment

.11 Overpayment means that cash payment was made for the purchase of IHSS or services were delivered in an amount to which the recipient was not entitled.

.111 Services payments paid pending a state hearing decision as required by MPP 22-022.5 are not overpayments and cannot be recovered.

.2 Amount of Overpayment

When the county has determined that an overpayment has occurred, the county shall calculate the amount of overpayment as follows:

.21 Overpayment due to the recipient's failure to use total direct advance payment for the purchase of authorized hours.

.211 Authorization based on an hourly rate

a. Determine the number of service hours for which the recipient received a direct advance payment in excess of those actually provided.

b. Multiply this amount by the hourly wage rate used in computing the recipient's authorized payment.

.212 Authorization for a personal attendant.

When services are delivered by a personal attendant, the amount of the overpayment is the difference between the amount that should have been paid and the amount which was actually paid.

.213 when the recipient receives a direct advance payment to purchase services in a given month, but fails to submit a reconciling timesheet within 45 days from the date of payment, there is a rebuttable presumption that the unreconciled amount is an overpayment.

.22 Overpayment due to excess service authorization

.221 Authorization based on an hourly rate

- a. Determine the number of service hours for which payment was made in excess of the correct service authorization.
- b. Multiply this amount by the county's lowest individual provider hourly wage rate regardless of the service delivery method used.

.222 Authorization for a personal attendant

When services are delivered by a personal attendant, the amount of overpayment is the difference between the amount paid and the amount which would have been paid if the service authorization was correct.

.23 Overpayment due to incorrect share of cost

Where the correct share of cost was more than the recipient paid, the resulting overpayment is determined by subtracting the amount paid from the correct amount.

.24 Restaurant meals

Where the recipient received an allowance for the purchase of restaurant meals, and used none of the allowance for that purpose, or if the recipient was ineligible to a restaurant meal allowance he/she received, the entire amount is an overpayment.

.3 Recovery of Overpayments

.31 Limitations on amount of Recovery

.311 The repayment liability of the recipient shall be limited to the amount of liquid resources and income excluded or disregarded by the SSI/SSP Program. Liquid resources are cash or financial instruments that can be converted to cash, except funds set aside for burial.

.312 When an overpayment results from the recipient's failure to spend the entire amount of an advance direct payment for the purchase of authorized services, the difference in value between the hours purchased and the hours authorized shall be considered an available resource in determining repayment liability.

.32 Methods of Recovery

.321 The county may recover overpayments using any one or a combination of the methods listed below.

(a) Balancing

- (1) Balancing means recovery of all or a portion of an overpayment by applying a repayable underpayment against it.
- (2) An underpayment shall not be balanced against an overpayment if the underpayment is discovered and payable prior to the time an overpayment is discovered and adjustable.

(b) Payment Adjustment

- (1) Payment adjustment means that the county reduces payment for future authorized services to offset an overpayment.
- (2) If the service payment is reduced to adjust for previous overpayments, the recipient shall be responsible for paying the current month's adjustment amount to the service provider in addition to any share of cost.

(c) Voluntary Cash Recovery

- (1) Voluntary cash recovery means repayment voluntarily made to the county by a recipient who has incurred an overpayment.
- (2) The recipient shall be given the option of voluntary cash repayment of all or a part of the amount to be adjusted in lieu of payment adjustment.

(d) Civil Judgment

The county shall have the authority to demand repayment and file suit for restitution for any unadjusted portion of an overpayment.

.33 Notice of Action

If the county determines that an overpayment has occurred as defined in .11 above and proposes to recover the overpayment, the county shall notify the recipient of the following:

- .341 The period of time during which the overpayment occurred.
- .342 The reason for the overpayment.
- .343 The amount of overpayment and a description of how the amount was calculated.
- .344 The method by which the county proposes to recover the overpayment.

.4 Definition of Underpayment

.41 Underpayment means the recipient was entitled to more service than was authorized or that the share of cost paid by the recipient was greater than the correct amount.

.411 An underpayment has occurred when the county has failed to determine the correct share of cost or authorize the correct amount of service when all essential information was available to the county.

.412 An underpayment has not occurred when there is a disagreement in the county's exercise of discretion or opinion, where discretion or opinion is allowed in the determination of the need for service.

.42 Amount of Underpayment

When the county has determined that an underpayment has occurred, the county shall calculate the underpayment as follows:

.421 Incorrect Service Authorization

(a) Subtract the number of hours actually authorized from the number of hours to which the recipient was entitled.

(b) Multiply this amount by the county's lowest individual provider hourly wage rate

regardless of the service delivery method used.

.422 Share of Cost

When the correct share of cost was less than the recipient paid, the resulting underpayment is determined by subtracting the correct amount from the amount paid.

.423 Restaurant Meals

When the amount paid was less than the amount to which there was entitlement, subtract the amount paid from the correct amount.

.43 Method of Payment

.431 Underpayments shall be adjusted by an increase in the service authorization when the unauthorized service for which there was entitlement was yard hazard abatement or heavy cleaning, and the service was not previously provided through another source at no cost to the recipient.

.432 All other underpayments shall be corrected by a retroactive payment issued to the recipient in an amount equal to that of the calculated underpayment.

.44 Notice of Action

If the county determines that an underpayment has occurred as defined in .4 above, the county shall notify the recipient of the following:

.441 The time period during which the underpayment occurred.

.442 The reason for the underpayment.

.443 The amount of the underpayment, and a description of how the amount was calculated.

.444 The method by which the county proposes to adjust the underpayment.

Authority: Welfare and Institutions Code Section 12301.1.

Reference: Welfare and Institutions Code Section 11004.

Repeal Section 30-769.4 as follows:

30-769 PAYROLLING FOR INDIVIDUAL PROVIDERS (Continued) 30-769

.4 The county is responsible for determining and recovering overpayments. The county shall follow overpayment procedure described in 10-121 with the addition of the following:

.41 Cause of Overpayments

.411 When a severely impaired recipient, as defined in Section 30-753, is receiving a cash payment or when a provider is receiving a cash payment to which the recipient was not eligible the incorrect amount of payment in both cases shall be considered an overpayment to the recipient.

.412 When a recipient has authorized payment for services not provided or for other than IHSS services, the incorrect amount of payment shall be considered an overpayment to the recipient.

.413 A payrolling contractor error shall be treated as an administrative error as defined in 10-121.

(a) Exception: The county shall not be fiscally liable for the payrolling contractor error.

.42 If, in accordance with 10-121, the county determines that a recoverable overpayment has occurred and proposes to make the recovery through the payment adjustment method, for the purposes of the payroll system the county shall adjust the amount of payment but shall leave the authorized hours unchanged.

.421 REPEALED BY MANUAL LETTER NO. 82-27 (5/13/82).

.422 REPEALED BY MANUAL LETTER NO. 82-27 (5/13/82).

.43 When timesheets to reconcile outstanding advance payments are not received within ninety (90) days from the date of payment a rebuttable presumption is created that the unreconciled amount is an overpayment and shall be subject to procedures set forth in .4 through .42 above. The presumption may be rebutted by submission of the completed timesheets or equivalent evidence.

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Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11004.

Adopt Section 30-769.9 to read:

30-769 PAYROLLING FOR INDIVIDUAL PROVIDERS (Continued) 30-769

.9 Excessive Compensation

(See Section 30-769.91 (Handbook) for examples of excessive compensation)

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.91 Excess compensation to an individual provider but is not necessarily limited to the following circumstances:

.911 The provider was paid for more hours than authorized or more hours than worked.

.912 The provider was paid at a higher hourly rate than appropriate.

.913 The share of cost withheld from provider's payment was less than the recipient affirms was paid to the provider.

.92 All excess provider compensation is recoverable. The county shall demand repayment from the provider. The county shall be permitted to seek recovery of excess compensation by civil suit.

.93 Provider Fraud or Forgery

If the county suspects that excess provider payment occurred because of fraudulent devices of the provider, forgery, or collusion between the provider and the recipient, the county shall investigate the suspected fraud, forgery, or collusion. If the facts warrant prosecution and the county does not have an investigative unit, the county shall refer the matter directly to the county district attorney's office for investigation and possible prosecution.

-Authority: Welfare and Institutions Code Section 12301.1.

Reference: Welfare and Institutions Code Section 12302.2

Amend Section 30-773.731 to read:

30-773 RESOURCES (Continued)

30-773

.7 Disposition of Resources. (Continued)

.73 (Continued)

.731 The net proceeds from the disposition of the excess property shall be considered to be available for liquidation of overpayments occurring during the disposition period in accordance with Section ~~10-121~~ 30-768.3.

Authority: Welfare and Institutions Code Section 12301.1

Reference: Welfare and Institutions Code Section 11004.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

8503181
ORD #0185-08

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW**

RECEIVED FOR FILING

MAR 18 2 59 PM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED

APPROVED FOR FILING

MAR 2 1985

Office of Administrative Law

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**1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:**

Department of Social Services

-(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAR 22 1985

At 4:09 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest

TELEPHONE

(916) 323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Sections 46-325.11 and .21

SECTIONS ADOPTED

MPP Sections 50-060.1, .2, and .3

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

**6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.**

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

**7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER**

45-day notice: March 29, 1985

b. DATE OF ADOPTION OF REGULATION(S)

March 15, 1985

**c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))**

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

**9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)**

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☒ Effective on April 1, 1985 as required by statutes: (list) Government Code Section 11346.1(d)

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

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- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Amend MPP Handbook Section 46-325.11 to read:

46-325 BENEFIT LEVELS

46-325

.1 (Continued)

.11 Effective January 1, 1984 SSI/SSP "monthly benefit levels" established in accordance with Welfare and Institutions Code Sections 12200, 12201, 12201.5, 12205, 13920, 13921, and 13922, shall be as follows depending upon the living arrangement of the recipient(s).
(Continued)

.111 Eligible Individual	Benefit Level
Aged or Disabled	\$477.00
Blind	535.00
A Disabled Minor Under 18 Living with a Parent or Guardian or Relative by Blood or Marriage	378.00

(2) Amend MPP Section 46-325.21 to read:

46-325 BENEFIT LEVELS (Continued)

46-325

.2 (Continued)

.21 Certification of recipients to unlicensed homes or other facilities which provide personal care and supervision shall be permitted, under any of the following circumstances:

.211 Except as provided in Section .212 below, it is the home of a relative or legally appointed guardian or conservator. A relative for purposes of this section shall mean a parent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first-cousin or any such person denoted by the prefix "grand" or "great".

.2123 It is an "exclusive use home" approved by a licensed home finding agency as defined in Health and Safety Code Section 1502(a)(4).

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(a) Health and Safety Code Section 1502(a)(4) defines "Homefinding agency" as "any individual or organization engaged in finding homes or other places for placement of persons of any age for temporary or permanent care or adoptions".

NOTE: .212 The Nonmedical Out-of-Home Care benefit level is not appropriate for (a) a disabled minor recipient under 18 living with a parent or relative by blood or marriage (see Section 46-325.1) or for: (b) an individual living in his own home and receiving care from his spouse, or for: (c) a blind child (under 18 or 18 to 21 and attending school or training full-time) living in the home of a parent or guardian.

A disabled minor under 18 will receive the nonmedical out-of-home care benefit level if he/she resides with a nonrelative guardian in a certified nonmedical out-of-home care home or facility.

Authority: Welfare and Institutions Code Sections - 10553 and 10554.

Reference: Welfare and Institutions Code Section 12200; Major v. McMahon, No. 808898, Final Judgment and Order, January 28, 1985.

(3) Adopt MPP Section 50-050 et seq. to read:

50-060 MAJOR VS. MCMAHON

50-060

.1 Background

On January 28, 1985, the San Francisco Superior Court approved a settlement agreement and adopted it as the final judgment of the court in the case of Major v. McMahon. The judgment invalidated MPP Section 46-325 to the extent this regulation was interpreted/applied to deny otherwise eligible disabled minors from receiving the SSI-SSP "nonmedical out-of-home care" benefit level because they were residing with nonparent relatives.

In compliance with the Major v. McMahon judgment, MPP Section 46-325 was amended (April 1, 1985) to enable otherwise eligible disabled minors residing with a nonparent relative to receive the SSI-SSP "nonmedical out-of-home care" payment rate. Additionally, the court ordered that retroactive benefits be paid to disabled minors in this class, who for anytime after December 31, 1983 were otherwise eligible but were denied the SSI-SSP "nonmedical out-of-home care" payment rate solely because they were residing with a nonparent relative.

The following provisions specify rules and procedures applicable to the issuance of payments in conformance with this court order.

.2 Informing Potentially Eligible Persons of the Availability of Major v. McMahon Payments

.21 In order to notify the class of potentially eligible persons, the Department shall:

.211 Identify from the State Data Exchange, all individuals who meet the description of the Major v. McMahon class and who are potentially eligible for Major v. McMahon benefits.

.212 By April 1, 1985, send a written notice to all potentially eligible individuals, which specifies eligibility factors and application procedures and deadlines for Major v. McMahon benefits.

.3 Application for Major v. McMahon Payments and Claims Processing

.31 Claimant Responsibility

.311 Potentially eligible individuals shall apply for retroactive payments at the local Social Security Administration (SSA) office, within the 60-day period commencing April 1, 1985 and ending May 30, 1985.

(a) Extension of the mandatory 60-day application period.

(1) Applications for Major v. McMahon retroactive benefits received after May 30, 1985 shall be denied except where the applicant can show good cause for his/her failure to apply during the mandatory 60-day application period. "Good cause" shall be determined by the SSA.

(2) Provided the applicant can show good cause for not applying within the period specified in .311, his/her application for retroactive benefits will be accepted if filed with the SSA within 60 days after May 30, 1985 or before July 30, 1985.

.32 Social Security Administration (SSA)

.321 Upon receipt of the claimant's application for Major v. McMahon benefits, the local SSA office will request from the county welfare department (CWD) certification that the disabled minor involved was eligible for the "nonmedical out-of-home care" payment rate within this Major v. McMahon retroactive period.

(a) In response to each Major v. McMahon application, SSA will send requests for certification (Form SSP-22) to the county welfare departments, which for control purposes, have been separately identified by the words MAJOR v. MCMAHON in bold print at the top.

.322 As soon as administratively possible after receipt of the CWD's certification of applicable living arrangement [see .331(b)] the SSA will compute and issue the amount of Major v. McMahon retroactive payments to all claimants who were certified for

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the SSI-SSP "nonmedical out-of-home care living arrangement during this period.

(a) The amount of retroactive benefits shall be, for each month of eligibility during the retroactive period, the difference between the SSI-SSP "nonmedical out-of-home care" rate and the "disabled minor" rate in effect for that month.

(1) For calendar year 1984, the difference is \$161 per month.

(2) For calendar year 1985, the difference is \$170 per month.

.323 The SSA will make prospective payments to Major v. McMahon eligibles upon receipt of CWD certifications of applicable living arrangements.

.33 CWD Responsibility

.331 Within 13 working days of receipt of a request for certification (SSP-22) marked "Major v. McMahon" from the SSA, the CWD shall:

(a) Determine the applicant's eligibility for the "nonmedical out-of-home care" level of benefits during any month(s) from January 1, 1984.

(1) The provisions of MPP Section 46-325.351 shall apply to requests for Major v. McMahon certifications in the same manner as for certification requests received on behalf of other SSI-SSP applicants/recipients.

(2) If a disabled minor child is found to be currently eligible for the "nonmedical out-of-home care" rate, he/she shall be presumed to be eligible for as much of the retroactive period as he/she was residing with the same relative.

(3) If the minor child is currently ineligible for the "nonmedical out-of-home care" rate, he/she shall be presumed to be ineligible for as

much of the retroactive period as he/she was residing with the same relative.

(4) Presumptions in (2) and (3) above may be rebutted by the CWD or by the recipient. If the minor child was living with another nonparent relative during the retroactive period he/she shall have the opportunity to present evidence regarding eligibility for the "nonmedical out-of-home care" rate in that home.

(b) Return the completed request for certification (SSP-22) to the SSA.

(1) CWD's shall maintain a copy of all completed Major v. McMahon certification requests (SSP-22) in an easily identifiable and retrievable manner for a period of six months, beginning April 1, 1985.

.332 Within 30 calendar days of the receipt of a request for certification (SSP-22) marked Major v. McMahon from the SSA, the CWD shall send a written notice of action (Temp. 1624) to the Major v. McMahon applicant which:

(a) states the CWD's determination of the applicant's eligibility for the "nonmedical out-of-home care" level of SSI-SSP benefits; and,

(b) specifies the months the applicant was eligible for "nonmedical out-of-home care" benefits since January 1, 1984; and,

(c) informs the applicant of his/her right to request a state hearing regarding the CWD's certification or noncertification of the applicant's "nonmedical out-of-home care" living arrangement during any month since January 1, 1984. The state hearing of this issue shall be governed by MPP Division 22 regulations.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 12200; Major v. McMahon, No. 808898, Final Judgment and Order, January 28, 1985.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0684-26

Resubmission

8503156

FILED

In the office of the Secretary of State
of the State of California

APR 12 1985

At 4:01 o'clock P.M.

MARCH FONG EU, Secretary of State

By Virginia L. Brady
Deputy Secretary of State

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MAR 15 10 17 AM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

APR 12 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

AGENCY CONTACT PERSON AND POSITION
Janet Lombard, Regulations Analyst

TELEPHONE
323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED
19-004.1, .3, .5, .6, .7, .8; 40-131.3d

SECTIONS ADOPTED
19-004.4

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing July 31, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☒ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

August 31, 1984

b. DATE OF ADOPTION OF REGULATION(S)

March 13, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

12/28/84 - 01/11/85

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Sections 19-004.1 and .3 to read:

19-004 RELEASE OF CONFIDENTIAL INFORMATION

19-004

.1 General Rule

- .11 Confidential information may be released without the consent of the applicant/recipient, only for purposes directly connected with the administration of public social services except as specified in Section 19-004.4. Public social services are defined as aid or services administered or supervised by SDSS or the State Department of Health Services.

19-004 RELEASE OF CONFIDENTIAL INFORMATION (Continued) 19-004

.3 Public Officials

- .31 Certain public officials, and their duly appointed agents, and deputies, are entitled to examine confidential information. The right of public officials, including law enforcement personnel, to examine public assistance records does not exist if the request is for a purpose not connected with the administration of the public social service programs. Examples of situations under which information may not be given out include but are not limited to such things as traffic violations, tax fraud investigation, or criminal investigations not related to welfare except pursuant to Section 19-004.4. Both the release and possession of confidential information in violation of these regulations is a misdemeanor. The officials who are entitled to examine confidential information include but are not limited to:

.311 District Attorney or County Counsel

- (a) In the administration of aid, it is necessary to disclose information to these offices when they are conducting investigations, prosecutions, criminal or civil proceedings directly connected to public social services including child support services and the location of families in which the caretaker has abducted or kidnapped the aided child(ren).

.312 State Department of Social Services, State Department of Health Services, the Department of Health, Education, and Welfare (HEW), and county welfare departments within the State of California.

(a) These agencies, their representatives and employees shall have access to public social services records as needed in the administration of public social services.

.313 County Auditor

(a) In addition to the authority to examine claims and other financial transactions in the routine line of duty, the auditor may examine records as necessary to satisfy himself/herself that fiscal accountability is being maintained and that progress relating to payment, claiming and repayment of aid are proper and effective.

.314 Audits

(a) Federal, State and County auditors having direct or delegated authority are authorized to examine records as necessary to perform fiscal audits and/or procedure reviews. Legislative bodies and their committees authorized by law to conduct audits or similar activities in connection with the administration of public social services shall be permitted to examine records.

(b) Such committees include, but are not limited to, the California Joint Legislative Audit Committee, the California Auditor General and their staff, and the United States General Accounting Office.

.315 Legislatures and their Committees

(a) Refer to Section 19-002 for the prohibition against release of confidential information to legislatures without applicant/recipient consent. Any releases made to legislatures or their committees should be accompanied by the warning that Welfare and Institutions Code Section 10850 makes the use or release of the information for a

purpose not directly connected with the
administration of public social services a
misdemeanor.

Authority: Welfare and Institutions Code Sections 10553 and
10850.

Reference: Welfare and Institutions Code Sections 10850,
10850.3, and 10850.7, and 42 USC Section 1306a.

Adopt new Section 19-004.4 and renumber current Sections 19-004.4 through .7 to read:

19-004 RELEASE OF CONFIDENTIAL INFORMATION (Continued) 19-004

.4 Exception to General Rule - Law Enforcement Officials

.41 Pursuant to the procedures and restrictions in welfare and Institutions Code Sections 10850.3 and 10850.7, law enforcement officials may be given otherwise confidential information when:

.411 The applicant/recipient is deceased, welfare and Institutions Code Section 10850.7.

(a) welfare and Institutions Code Section 10850.7 provides:

Notwithstanding the provisions of Section 10850, an authorized employee of a county welfare department may disclose confidential information concerning a public social services applicant or recipient to any law enforcement agency where the applicant or recipient is deceased. Information that may be released pursuant to this section shall be limited to the name, address, telephone number, birthdate, social security number, and physical description of the applicant for, or recipient of, public social services. A county welfare department may release the information specified by this section to any law enforcement agency only upon a written request from the head of the agency specifying that the applicant or recipient is deceased and that the agency is otherwise unable to adequately identify the deceased. The information specified may alternatively be released by telephone, whereupon the head of the law enforcement agency shall submit the request in writing within five days of the release.

This section shall not be construed to authorize the release of a general list identifying individuals applying for or receiving public social services.

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The provisions of this section shall be operative only to the extent permitted by federal law. The section shall not apply to, but shall exclude the Medi-Cal program established pursuant to Chapter 7 (commencing with Section 14000) and following.

- .412 A felony arrest warrant has been issued for the applicant/recipient, Welfare and Institutions Code Section 10850.3.

Welfare and Institutions Code Section 10850.3(b) provides in part:

A county welfare department may release the information specified by this section to any law enforcement agency only upon a written request from the agency specifying that a warrant of arrest for the commission of a felony has been issued as to the applicant or recipient. This request may be made only by the head of the law enforcement agency, or by an employee of the agency so authorized and identified by name and title by the head of the agency in writing to the county welfare department.

- (a) Information releaseable pursuant to a felony arrest warrant shall be further limited to data contained within disbursement records for AFDC, Special Circumstances, and social service cases other than Child Welfare Service records. Release shall be limited to name, address, telephone number, birthdate, and social security account number (where such items are present) from the record of disbursement.
- (1) No data shall be released from the case record.
- (2) No data shall be released from SSI/SSP records except for Special Circumstances.
- (3) This section shall not be construed to limit releases pursuant to Penal Code Section 11166.

(b) Food Stamp and Adoption records, including AAP, are not within the scope of this Division.

*4.5 Release of Confidential Information in Conjunction With a Lawsuit (Continued).

*5.6 Release to Schools (Continued).

*6.7 Disclosure to Parents who Wish to be Reunited With Their Family (Continued).

*7.8 Release to Research Organizations (Continued).

Authority: Welfare and Institutions Code Sections 10553 and 10850.

Reference: Welfare and Institutions Code Sections 10850, 10850.3 and 10850.7, and 42 USC Section 1306a.

Amend Section 40-131.3d to read:

40-131 INTERVIEW REQUIREMENTS (Continued)

40-131

.3 Content of Application Interview (Continued)

- d. The confidential nature of all information given disclosed to the CWD including circumstances under which information may be released to law enforcement officials. See Section 19-004.4.

Authority: Welfare and Institutions Code Section 10553 and 10850.

Reference: Welfare and Institutions Code Sections 10850, 10850.3, and 10850.7, and 42 USC Section 1306a.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

8504043

ORD 1084-48

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

APR 4 4 27 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAY 6 1985

Office of Administrative Law
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1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

MAY 6 - 1985

At 4:25 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Patricia K. Kitch*
Deputy Secretary of State

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Janet Lombard, Regulations Analyst

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED 81068.1
SECTIONS ADOPTED 81070, 88068.1, 88070
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☒ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

November 30, 1984

b. DATE OF ADOPTION OF REGULATION(S)

April 2, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

NA

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective on filing as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:


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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on December 6, 1984, and which became effective on December 6, 1984.

Sections 81068.1, 81070, 88068.1 and 88070.

No Amendments or repealers resulted from the public hearing held on January 16, 1985.



LINDA S. MCMAHON
Director

4/2/85

Date

- (a) Each licensee shall develop, implement and maintain an admission procedure, according to the center's individual program, policies, and needs, which enables the person in charge of admissions to:
- (1) Determine that the child meets the center's admission criteria.
 - (2) Conduct one or more personal interviews with the parent which meet the following requirements:
 - (A) Enable the person responsible for admissions to understand the state of the child's individual health, physical and emotional development, and whether his/her needs can be met by the center.
 - (B) Provide the parent with information about the center which shall include at least, its admission policies and procedures, activities, services, regulations, hours and days of operations, fees, procedures which shall be followed should the child become ill or injured while at the center, and inspection for illness procedures.
 - (C) Provide each parent with a copy of a child abuse prevention pamphlet furnished by the Department.
 1. The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.
 - (3) Obtain all identifying information specified in Sections 80070(b) and 81070(b).
 - (4) Obtain all health information specified in Section 80069 and 81070(c).
- (b) Within 30 days of receipt of an initial supply of child abuse prevention pamphlets furnished by the Department, the licensee shall distribute a pamphlet to the parent of each child being cared for in the facility.
- (1) The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1596.72, 1596.73, 1596.872 and 1997.05, and Resolution Chapter 147.

(d) Each child's record shall contain the receipt signed and dated by the parent acknowledging receipt of the child abuse prevention pamphlet required in Section 81068.1.

(1) If the parent refuses to sign a receipt for the pamphlet, a dated notation to that effect shall be retained in the child's record.

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1596.72, 1596.73, 1596.872 and 1997.05, and Resolution Chapter 147.

(a) Within 30 days of receipt of an initial supply of child abuse prevention pamphlets furnished by the Department, the licensee shall distribute a pamphlet to the parent of each child being cared for in the home.

(1) The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.

(b) At the time of acceptance of each child into care, the licensee shall provide the child's parent with a copy of the pamphlet.

(1) The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1596.72, 1596.73, 1596.872 and 1597.30, and, Resolution Chapter 147.

- (a) The licensee shall maintain, in the home, the receipt signed and dated by the parent acknowledging receipt of the child abuse prevention pamphlet required in Section 88068.1.
 - (1) If the parent refuses to sign a receipt for the pamphlet, a dated notation to that effect, containing the parent's name and telephone number, shall be retained with the receipts.
- (b) The signed and dated receipts and notations shall be retained for at least three years following termination of service to the child.

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1596.72, 1596.73, 1596.872 and 1597.30, and, Resolution Chapter 147.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD # 1084-46

8504112

RECEIVED FOR FILING

APR 11 10 13 AM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAY 13 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

MAY 13 1985

At 4:08 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Margorie Herschberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

5-0313/3-0883

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED
22-003.22, 22-023.11, and 63-804.631

SECTIONS ADOPTED
22-023.114(c) and 63-051

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER

December 28, 1984

b. DATE OF ADOPTION OF REGULATION(S)

April 5, 1985

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 15, 1985-March 29, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☒ Effective on filing (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on January 22, 1985, and which became effective on January 22, 1985.

Manual of Policy and Procedures, Divisions 22, and 63, Chapters 22-001, 22-003, 22-023, and 63-804, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
22-001.121(a) (b) & (c) 22-001.7 22-003.2 and .22 22-023.11 63-804.631 & .632	22-023.111 - .115 63-804.631(b) & (c)	22-023.111 & .112

These regulations were presented at public hearing on February 13, 1985. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>
22-003.22 22-023.11 63-804.631	22-023.114(c) 63-051

Linda S. McMahon

LINDA S. MCMAHON
Director

4/5/85

Date

.1 (Continued)

.12 Filing Date

.121 All written requests for hearings shall be date stamped by the agency on the day the request is received. Unless the evidence indicates otherwise, the filing date of the claimant's written request for a state hearing shall be determined as follows:

- (a) If the request is mailed to the Office of the Chief Referee or to the county welfare department, the postmark date of the envelope;
- (b) If the request is delivered by hand to the Office of the Chief Referee or to the county welfare department, the date stamped on the request for hearing;
- (c) If the date cannot be determined by the methods described above, two days before the request was stamped "received" by the Office of the Chief Referee or the county welfare department;

- .7 COUNTY - For purposes of this division, "county" or "CWD" generally refers to the county welfare department. The term "county welfare department" is used in Sections 22-001.12, 22-003 and 22-023 to mean the welfare department in the county in which the recipient resides or the county that has taken the action or inaction with which the recipient is dissatisfied. Any references to "county" or "CWD" however, may also refer to any agency or contractor whose actions may be subject to a state hearing.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10950.

Amend Section 22-003.22 to read:

22-003 RIGHT TO STATE HEARING (Continued)

22-003

- .2 A request for a state hearing may be either written or oral. A written request concerning county administered state aid programs shall be filed with the county welfare department, and for all other state aid programs, the request shall be filed with the State Department of Social Services in Sacramento. All oral requests shall be made to the State Department of Social Services in Sacramento. The Department of Social Services shall maintain a toll free number for the receipt of oral hearing requests.

.21 (Continued)

- .22 When a written request for a state hearing is received by the county welfare department, a copy shall be forwarded to the Office of the Chief Referee in Sacramento no later than three (3) working days after its receipt.

If the request for hearing concerns an action which is subject to the adequate notice provisions, a copy of the applicable notice shall be sent with the request.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10950.

Amend Section 22-023.11, adopt Section 22-023.114(c), as shown:

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE 22-023
STATE HEARING

•1 Preliminary Review

•11 Upon receipt of a request for hearing the county shall provide aid pending the state hearing in accordance with Section 22-022, when entitlement exists. Such payment shall be made either placed in the U.S. Mail or available for hand-delivery to the recipient (if agreed to by the county and recipient) within five (5) working days of the receipt of the hearing request by the appropriate agency as specified in Section 22-003.2, or the date the regular scheduled aid payment would otherwise have been paid to the recipient, whichever is later. If aid pending the hearing is not appropriate under Section 22-022, the county may continue with its proposed action.

•111 Unless the evidence indicates otherwise, the receipt date for purposes of providing (issuing) aid paid pending shall be determined as follows:.

(a) The date the written request is received by the county welfare department for county administered aid programs or the date the request is received by the State Department of Social Services for all other state aid programs.

(b) The date the oral request is received by the State Department of Social Services in Sacramento.

•112 The county welfare department shall compute the five (5) day time limitation for paying aid paid pending from the date:

(a) A written request for a state hearing is received by the county welfare department.

(b) The county welfare department is notified by the Office of the Chief Referee that it has received a written request for a state hearing.

(c)- An oral request for hearing is received by the State Department of Social Services in Sacramento.

.113 Upon receipt of an oral hearing request, the State Department of Social Services shall, within one (1) working day of that receipt, notify the respective county that an oral hearing request has been filed and provide the county with sufficient information to provide aid paid pending when appropriate.

.114 Misdirected Requests

(a) In the event that a written hearing request is filed erroneously with the Office of the Chief Referee, rather than with the county welfare department, the State Department of Social Services shall forward such requests to the respective county.

(b) For requests filed erroneously in a county in which the claimant does not reside, and in which the county welfare department has not taken any action or inaction with which the claimant is dissatisfied, these requests shall be forwarded to the State Department of Social Services. The State Department of Social Services shall forward such requests to the proper county as defined in Section 22-001.7.

(c) The provisions of Sections 22-023.112 (a) and (b) shall be applicable to misdirected requests.

.115 For state aid programs not administered by the county welfare department, the Department shall issue aid paid pending, when entitlement exists, to a recipient within five (5) working days of the date a written or oral request for a state hearing is received by the State Department of Social Services.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 45 CFR 205.10(a)(6) and (7); and Saldivar vs. McMahon

Adopt Section 63-051 to read:

63-051 IMPLEMENTATION OF SALDIVAR V. MCMAHON PROVISIONS 63-051

Effective on May 1, 1985, or the date that these regulations are filed with the Secretary of State, CWDs shall implement the revised time frames for providing continued benefits as amended in Sections 63-804.631(a), (b), (c), and 63-804.632.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend Section 63-804.631 to read:

63-804 STATE HEARINGS (Continued)

63-804

.6 (Continued)

.63 Time Frames for Providing Continuation of Benefits

.631 The CWD shall provide continued benefits, as specified in Section 22-023.11, to any household entitled to such benefits within five (5) working days of the date:

- (a) The CWD receives a written request from the household; or
- (b) The CWD is notified by SDSS of the household's written request for a hearing; or
- (c) SDSS receives the household's oral request for a hearing.

.632 Continued benefits shall not be provided to the household prior to the first regular issuance date when the household's benefits would have been reduced or terminated.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 7 CFR 273.13(a)(3)(vi).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0184-01

8504113

FILED

In the office of the Secretary of State
of the State of California

MAY 13 1985

At 4:00 o'clock P.M.

MARCH FONG EU, Secretary of State

By Meiyue Hershberger
Deputy Secretary of State

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RECEIVED FOR FILING

APR 11 4 39 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAY 13 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE 8445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: MPP SECTIONS AMENDED
30-109.121(a)(1)(C), 30-109.141(c); 30-134.13, .131(a), (b), (c), (d)& (e)& 30-134.14
SECTIONS ADOPTED
30-109.111; Handbook Sections 30-109.121 and 30-134.131(e)(1)
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☐ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

November 30, 1984

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 15-29, 1985, inclusive

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☐ No ☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on December 14, 1984, and which became effective on December 14, 1984.

Manual of Policy and Procedures, Division 30, Chapters 100, 109, 134, and 186, Sections:

Amended

30-100.23
30-186.1

Adopted

30-109.1-.141(a)(c)
30-134.13-.164

These regulations were presented at public hearing on January 16, 1985. As a result of the public hearing the following sections have been changed.

Amended

30-109.121(a)(1)(c)
30-109.141(c)
30-134.13
30-134.13
30-134.131(a)-(e)
30-134.14

Adopted

30-109.11
30-109.121(Handbook)
30-134.131(e)(1)(Handbook)


LINDA S. McMAHON
Director

4/10/85
Date

•2 (Continued)

- 23 Provision of services to an Indian child shall be subject to the additional requirements specified in Sections 30-109, 30-134.13 and 30-186.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 25 USC 1916(b), (ICWA of 1978).

Adopt Section 30-109.111, and Handbook Sections .121, and .141(d); Amend Section 30-109.121(a)(1)(C) and .141(a) and (b); redesignate 30-109.121(a) as (a) and (b) to read:

30-109 SPECIAL PROVISIONS FOR INDIAN CHILDREN AS DEFINED 30-109 BY THE INDIAN CHILD WELFARE ACT (ICWA)

.1 When dependency petitions are initiated by county welfare department (CWD) staff (workers) on behalf of a child who is or may be an Indian child as defined by the ICWA (see Section 30-134.13 et seq.), the worker shall:

.11 Identify in the petition that the child is or may be an Indian child as defined by the ICWA.

.111 If a determination is made that a child is or may be an Indian child as defined by the ICWA after the initial petition is filed with the court, the county welfare department (CWD) shall file an amended petition notifying the court of this determination.

.12 Give notice to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be sent on Form SOC 319 "Notice of Hearing" and must be received by the Indian child's parent(s) or custodian and tribe no later than 10 days prior to the hearing date.

.121 A tribe, parent or Indian custodian entitled to notice of the pending of a child custody proceeding has a right, upon request to the court, to be granted an additional twenty days from the date upon which notice was received to prepare for participation in the proceeding.

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(a) When the identity or location of the parent(s), Indian custodian(s), or tribe cannot be determined, notice shall be given to the Secretary of the Interior (Secretary) by registered mail, return receipt requested.

(1) Notice to the Secretary shall be mailed to the Sacramento Area Director, Bureau of Indian Affairs,

Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825.

The notice shall include the following information if known:

- (A) Indian child's name, birthdate, and birthplace.
- (B) Indian child's tribal affiliation.
- (C) Indian child's parent(s) or Indian custodian(s) Name, birthdate, birthplace and mother's maiden name of the Indian child's parent(s) or Indian custodian(s).
- (D) A copy of the petition, complaint, or other document by which the proceeding was initiated.

- (b) The Secretary will have 15 days from receipt of notice to provide the required notice in Section 30-109.12 to the parent(s), Indian custodian and tribe.

.13 Document efforts made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful.

.131 It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage.

- (a) Efforts to provide services shall be made subsequent to such emergency removal.

.132 Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit

tribal assistance and support in the placement of the child.

- 14 Present to the court clear and convincing evidence, by qualified expert witnesses in addition to testimony of county welfare staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county welfare department provides the expert witness, the witness shall be:

- 141 A person other than the caseworker who initiated the dependency action and one of the following:

- (a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or
- (b) A lay expert witness who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or
- (c) If a person described in Section 30-109.141(a) or (b) is not available * a professional person who has substantial education and experience in the area of his or her specialty.

Authority: Welfare and Institutions Code Section 10553 and 10554.

Reference: 25 USC 1902; 25 USC 1912(a)(d) and (e); 25 USC 1915(a)(1-3) and (6); 25 USC 1921; 25 CFR 23.11(a), (b)12, and (c) et. seq.; Guidelines for State Courts, Indian Child Custody Proceedings as published in the Federal Register, November 26, 1979, Items B.1.(a) and D.4.(b).

Adopt Handbook - Section 30-134.131(e)(1), renumber Sections 30-134.132, .133 and .134 to 30-134.131(c), (d) and (e), respectively, and amend Sections 30-134.13, .131, .131(a), (b), (d), (e), and .14 to read:

30-134 INITIAL EVALUATION (Continued)

30-134

.1 (Continued)

.13 Make inquiries to determine whether the child is or may be an Indian child as defined by the ICWA (see Section 30-002(0)).

.131 When there is any oral or written information which indicates that the child is or may be an Indian child, the worker shall obtain the following:

(a) Obtain the name, address, date of birth, and tribal affiliation of birth parents, grandparents, and great grandparents.

(b) Obtain the name and address of tribal governing organizations.

*132 (c) Complete Request for Confirmation of Child's Status as an Indian (SOC 318).

*133 (d) Obtain a copy or certified photocopy of the child's state certified birth certificate.

*134 (e) Send completed Request for Confirmation of Child's Status (SOC 318) and the certified copy of the birth certificate to the Bureau of Indian Affairs (BIA), Attention Tribal Operations for a determination as to whether or not the child is an Indian as defined by the ICWA.

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(1) To insure timely processing of the Request for Confirmation of Child's Status (SOC 318) by the BIA it is important to include detailed family background information for the involved child (names of the tribal bands involved, as well as the tribe; state of birth, as well as date of birth for maternal and paternal great grandparents; maiden names as well as

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married names, etc.). Documentation should include a copy or photocopy of the child's state certified birth certificate, and a notarized paternity statement if the parents are unmarried and Indian ancestry is to be determined on the paternal side.

- 14 When it is determined that the child is not an Indian child as defined by the ICWA, the worker shall follow the procedures in Sections 30-10034 through 30-198, and 30-200, et seq. 30-300 and 30-400, as appropriate.
- 15 When the child is determined to be an Indian child as defined by the ICWA, the worker shall follow the procedures outlined in Section 30-109 et seq.
- 16 If at the time of the dependency court appearance, no determination has been made regarding the child's status as an Indian child, as defined by the ICWA, the worker shall:
 - 161 Advise the court of all information which indicates that the child may be an Indian child.
 - 162 Advise the court of all efforts made to establish the child's status as an Indian child.
 - 163 Request direction from the court on how to proceed with the dependency action.
 - 164 Continue contacts with the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 25 USC 1916(b); Guidelines for State Courts, Indian Child Custody Proceedings as published in the Federal Register November 26, 1979, Item B.1.(a).

30-186 ADDITIONAL REQUIREMENTS FOR THE APPLICATION OF THE 30-186
INDIAN CHILD WELFARE ACT (ICWA)

1. In addition to meeting the general requirements specified in this chapter, the county welfare department shall ensure that applicable provisions of Sections 30-109 et seq. and 30-134.13 et seq. are met when a petition for continued detention is filed by the social worker on behalf of an Indian child.

Authority: Welfare and Institutions Code Section 10553 and 10554.

Reference: 25 USC 1916(b), (ICWA of 1978)

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

850484
ORD 0484-12

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

APR 18 10 55 AM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

MAY 21 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McKeon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 21 1985
At 1:30 o'clock P.M.
MARCH FONG EU, Secretary of State
By: Marjorie Leishberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Angie Teixeira, Regulations Analyst

TELEPHONE 323-0884

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED
44-352.121
SECTIONS ADOPTED
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

November 6, 1984

b. DATE OF ADOPTION OF REGULATION(S)

April 16, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 29 through April 12, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 44-352.121 to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

•1 (Continued)

•12 (Continued)

- 121 Compute the correct grant amount based on correct information for the month involved in the overpayment. If the recipient was totally ineligible for that month, the correct grant amount is zero (0).

In this computation, allow all earned income disregards (including the \$30 and 1/3 and, as applicable, the \$30 disregard) which would have been allowed if the grant had been computed correctly. The regulations in effect at the time the overpayment occurred shall be used to determine the correct amount of the grant, with the following exceptions:

a. Regulations subsequently invalidated by a court decision shall not be used in determining the correct grant for the applicable period(s) as required by the court decision. Instead, the instructions (e.g., All-County Letter, regulations, etc.) implementing the court decision shall be used.

b. If the overpayment occurred after October 1981 and was discovered on or after April 2, 1982 and if the overpayment is due to any earned income that the recipient failed, without good cause, to report timely, no earned income disregards shall be allowed for that individual in that month (see Section 44-113.218).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

OAI#85-0401-2

ORD#1084-53

85 05133

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

MAY 13 1 55 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAY 21 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

BY:

Janet S. McKeon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 21 1985
At 4:30 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Mayrie Schluger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dan Fleek, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: _____

SECTIONS ADOPTED

50-013 .1, .2, .3, .4, and .5

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing 4/1/85

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

11/30/84

b. DATE OF ADOPTION OF REGULATION(S)

5/13/85

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

From 2/22 to 3/8/85: From 4/26 to

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

5/10/85

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on June 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Noté: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Adopt MPP Section 50-013 to read:

50-013 LOWRY V. OBLEDO

50-013

.1 Preface

On October 28, 1981, the Sacramento County Superior Court issued a final judgment in the case of Lowry v. Obledo. This decision invalidated former EAS 44-113.241(b) to the extent that it disallowed child care deductions for the costs of child care provided by a nonworking member of the recipient's household. The court ordered that retroactive payment be made to recipients or former recipients who were disallowed such child care deductions and that the regulations be changed. EAS 44-113.241(b) was repealed, effective November 10, 1981, and EAS 44-113.215 was amended effective September 1, 1982 to implement the ordered changes.

The time period for retroactive benefits under the Superior Court order is February 1, 1977 through August 31, 1982. Because of retrospective budgeting procedures, claims for retroactive payments may include expenses and income reported in any month from December 1976 through June 1982 (inclusive), except for cases which were new or restored in July and/or August 1982. For those cases that were new or restored in July and/or August 1982, the costs paid and income received will be for the months that were used as a basis for the original grant computation.

The following provisions describe the procedure by which retroactive aid will be claimed and eligibility for benefits determined.

.2 Informing Potentially Eligible Persons of the Availability of Retroactive Payments

.21 In order to notify the class of potentially eligible persons, the Department shall:

.211 Enclose a notice informing recipients of the Lowry v. Obledo decision with each June 1985 Medi-Cal card.

.212 Send the notice in .211 above to the Prepaid Health Plan members in June 1985.

.213 Issue a general media press release with the same general message as the notice described in .211.

(FM).214 Issue posters in English and Spanish informing the general public of the Lowry v. Obledo decision. Supplies of posters will be made available to offices of the Employment Development Department and county welfare departments (CWDs), and community colleges.

.22 In order to notify the class of potentially eligible persons, the CWD shall:

(FM).221 Forward a supply of posters to county hospitals with the request that they be posted in a conspicuous location from the day they are received until May 31, 1986. Depending upon individual county arrangements, these hospitals could include county owned and administered as well as county contracted hospitals.

.222 Prominently display the bilingual posters supplied by SDSS in each local office of the CWD from June 1, 1985 through May 31, 1986 and make the Lowry v. Obledo claim forms available to the public at the same locations.

.223 Review all active AFDC-FG and U cases during the next annual redetermination process beginning June 1, 1985 through May 31, 1986 to determine whether any of the recipients are potentially eligible for these retroactive benefits. (See Section 50-013.41)

.224 The county shall inform all persons identified as being potentially eligible in .223 above and provide them a claim form during the face-to-face interview.

.3 Application for Retroactive Payment and Claims Processing

.31 Claimant Responsibility

.311 Claimants, except potential recipients identified in the redetermination review as required in 50-013.222, shall contact the CWD to obtain claim form.

.312 A separate claim form shall be completed and sent to each county in which the claimant received or was denied aid and from which he/she wishes to claim retroactive benefits. It shall be the

claimant's responsibility to ensure the claim form is mailed to the appropriate county.

- .313 Claim forms shall be submitted to the proper county by May 31, 1986 with the following exception. Current recipients who have their annual redetermination reviews during May 1986 or whose annual redetermination reviews are scheduled for May 1986 or earlier but the CWD is unable to meet this schedule, shall have 30 calendar days after the receipt of a claim form or until May 31, 1986, whichever is later, to submit the form.

Claims submitted after this final filing date shall be denied except as provided in .327 below. The date submitted shall be determined as follows:

- (a) If the claim is mailed to the CWD, the postmark date of the envelope; or
- (b) If the claim is delivered in person to the CWD, the date stamped by the CWD on the claim upon receipt; or
- (c) If the date cannot be determined by (a) or (b) above, the date the claim was signed.

- .314 The claimant shall cooperate in obtaining all information and verification necessary to process the claim. Failure to provide the needed information and verification in accordance with time frames specified in .324 below shall result in denial of those months of the claim for which the information/verification is needed.

.32 County Responsibility

- .321 The CWD shall provide in person or mail appropriate claim forms to the claimant upon request.

- .322 The CWD shall stamp each claim with the date the claim was submitted by the claimant as specified in .313 above, and the CWD to which it was submitted.

- (FM).323 If the CWD receives a claim form for a month in which it neither paid nor denied aid to the claimant:

- (a) The CWD shall forward the form to the appropriate county, if known, within 10 working days of its receipt, and send a Notice of Action (NOA) to the claimant informing him/her of the action.
- (b) If the appropriate county is not known, the CWD shall return the form to the claimant, within 10 working days of its receipt, with a NOA explaining the reason why the claim cannot be processed. The NOA must also include an explanation that the claim must be resubmitted with that Notice to the appropriate county within 15 days of the receipt of the NOA.

(FM).324 Upon receipt of a claim form the CWD shall:

- (a) Determine if the case record information is available. If the case record information is determined unavailable after a search, the CWD shall provide in person or mail a supplemental claim form and Notice to Transmit Supplemental Claim Form to the claimant within 15 working days of the receipt of a claim form, explaining that the form must be completed and returned with necessary documentation within 30 calendar days of the date of the Notice and that the claim will be denied if the form is not returned as requested. If the form is returned as requested but it is determined that it lacks the necessary information and/or documentation, then only those claim months for which such information and/or documentation is missing, will be denied.
- (b) If the case record information is available, determine if the claim form is complete and sufficient documentation is provided. If not, within 15 working days of the receipt of the claim form, the CWD shall provide in person or mail a Request for Missing or Incomplete Information/Verification to the claimant requesting the additional information and/or documentation. The request must explain that the requested information and/or documentation must be returned

within 30 calendar days of the date of the request and that only those claim months for which the requested information and/or documentation is not provided within the specified time frame, will be denied.

.325 Claims submitted on or before the date listed in .313 above shall be held open pending receipt of county requested information/documentation or a supplemental claim form for a period of 30 calendar days after the request for additional information/documentation is made or a supplemental claim form is provided to the claimant. During this period, the CWD shall provide assistance as specified in (a) below and may make any third party contacts as specified in .428(b) below. Upon receipt of the requested information or supplemental claim, or at the end of the period, the CWD shall, based on the information available, determine eligibility and issue retroactive aid or deny the claim in accordance with .314 above and .328, .4 and .5 below:

(a) If the claimant requests assistance, the CWD shall, in accordance with MPP Sections 40-107.1 and 40-157.2 assist the claimant as needed in establishing his/her eligibility.

.326 Claims submitted after the date listed in .313 above shall be denied.

(FM).327 Claims submitted after the filing date which have been date stamped by another county in accordance with .322 above shall be deemed submitted on the earliest date so stamped on the claim. These claims resubmitted by the claimant to the appropriate CWD must also meet the following conditions:

(a) The earliest date stamp appearing on the claim form must be prior to the final filing date, and

(b) The claim must have been resubmitted by the claimant within 15 days after the date of the most recent NOA specified in .323(b) above, and

(c) The claim is resubmitted with that NOA attached

.328 The county shall determine eligibility and issue retroactive aid to eligible individuals or deny the claim in accordance with .314 and .325 above, and .4 and .5 below, as appropriate, within 60 calendar days of receipt of: 1) the claim form if additional information was not requested, 2) the additional information and/or documentation requested in accordance with .324(b) above, or 3) the completed supplemental claim form requested in accordance with .324(a) above. The CWD shall send the appropriate NOA.

(FM).329 The county shall submit to SDSS a statistical report on or before October 1, 1986. The report shall be submitted on a form provided by SDSS and shall contain:

- (a) The number of Lowry claims received;
- (b) The number of Lowry claims denied in total;
- (c) The number of Lowry claims granted in full or in part;
- (d) The total dollars paid to Lowry claimants.

.4 Determination of Potential Eligibility for Retroactive Payment(s)

(FM).41 Persons potentially eligible for retroactive benefits are those persons who met all of the following eligibility conditions during any month or months between February 1, 1977 and August 31, 1982 except as noted below:

.411 Persons who were applicants for or recipients of AFDC (including those who would have been recipients if Lowry child care costs had been allowed).

.412 Were concurrently employed; and

.413 Had children living at home while being employed; and

.414 Incurred costs by paying a nonworking person in their home but not in the assistance unit for child care during working hours; and

.415 Reported the child care costs in .414 above on a CA 2 or a CA 7 for at least one month but had those costs disallowed as a deduction from their earnings in the determination of need or the amount of the AFDC grant because the child care payments were made to nonworking persons who lived in the same household.

.416 In a two-parent household, the claimant may have been incapacitated while the other parent was employed.

Verification of the eligibility factors contained in .41 is required for all claimants (see .421, and .424 through .427 below). If verification is not provided, the CWD shall act in accordance with .428 below.

.421 Verification of receipt of AFDC or denial of, or discontinuance from AFDC due to excess earnings includes the following:

(a) Proof of receipt or denial of, or discontinuance from AFDC for persons claiming retroactive benefits shall be obtained from the case record if it is available.

(b) If the case record is unavailable, sources of verification which the claimant may provide include, but are not limited to:

(1) A copy of a Notice of Intended Action (NOA) or a state hearing decision indicating that a claimant was an AFDC recipient during the aid months.

(2) Copies of any other documents indicating the claimant's welfare status during the aid month.

.422 If the assistance unit received the Maximum Aid Payment (MAP) in the aid month, individuals in that assistance unit are ineligible for retroactive benefits.

(FM).423 MAP levels from February 1, 1977 through August 31, 1982.

TIME PERIOD

2/01/77	7/01/77	7/01/79	7/01/80	1/01/81	7/01/81
to	to	to	to	to	to
6/30/77	6/30/79	6/30/80	12/31/80	6/30/81	8/31/82

AFDC MAXIMUM AID PAYMENTS (MAP) LEVELS

1 Person	166	175	201	232	227	248
2 Persons	273	287	331	382	374	408
3 Persons	338	356	410	473	463	506
4 Persons	402	423	487	563	550	601
5 Persons	459	483	556	642	628	686
6 Persons	516	543	625	722	706	771
7 Persons	566	596	686	792	775	846
8 Persons	616	649	747	862	844	922
9 Persons	666	701	807	932	912	996
10 Persons	716	754	868	1002	981	1071

.424 Verification supporting that the claimant's child(ren) lived with him/her, includes the following:

(a) Proof of the child(ren)'s residence for persons claiming retroactive benefits shall be obtained from the case record if it is available.

(b) If the case record information is unavailable, sources of verification which the claimant may provide include, but are not limited to:

(1) A copy of school attendance record for the claimant's child(ren) indicating the school they attended.

(2) A signed statement from a neighbor attesting that the claimant's child(ren) resided with the claimant.

.425 Verification supporting the claimant's employment in the claim month includes the following:

(a) Proof of employment for persons claiming retroactive benefits shall be obtained from the case record information if it is available.

(b) If the case record information is unavailable, sources of verification that the claimant may provide include, but are not limited to:

(1) Wage stubs.

(2) A signed statement from the employer, verifying the claimant's employment or a copy of the employer's personnel records which would verify the claimant's employment in the aid month.

(3) Copies of tax returns or W-2 forms.

.426 Verification supporting that the claimant incurred child care costs in the claim month by paying a nonworking person in the household but not in the assistance unit, includes the following:

(a) Proof of child care expense for persons claiming retroactive benefits may be obtained from the case record information if it is available.

(b) If such proof is not available in the case record or the case record information itself is not available, sources of verification that the claimant may provide include, but are not limited to:

(1) Cancelled checks or money order receipt.

(2) Signed receipts.

(3) Sworn statements from the care provider attesting that he/she did provide child care to the recipient, how much he/she was paid by the claimant and when such payment was received.

(4) Sworn statement from persons other than the claimant with a reasonable knowledge that services were provided by a person in the household and the claimant paid that person.

(c) The child care costs as verified in (a) or (b) above must be reasonable. For the claim period from December 1, 1981 through August 31, 1982, the maximum child care costs allowed per child per month is \$160 if the claimant was employed at least 100 hours and worked at least 13 days. See MPP Section 44-113.215.

.427 Verification supporting that the child care costs as verified in .426 above have been reported by the claimant on a CA 2 or a CA 7 for at least one month but disallowed by the CWD, because the child care provider to whom the child care payments were made lived in the same household, includes the following:

(a) Proof of reporting of the child care costs on a CA 2 or a CA 7 and the subsequent disallowance of such costs for persons claiming retroactive benefits shall be obtained from the case record information if it is available.

(b) If the case record information is unavailable, verification which the claimant may provide includes, but is not limited to, the NOA sent the claimant.

.428 If the information in the case record is incomplete and/or the claimant cannot provide the verification specified in .421 and .424 through .427, the claimant must provide statement(s) that fully answer the questions contained on the claim form. If good reason exists for the inability of the claimant to obtain verification as specified in .428(a), the claimant's sworn statement as provided on the claim form and/or Supplemental Claim Form shall be accepted.

(a) Good reasons for the inability of the claimant to obtain verification include, but are not limited to:

(1) The destruction or loss of records.

(2) Inability on the part of the claimant to locate the third party who could supply the verification.

(3) The refusal or inability on the part of the third party to supply the verification or provide a sworn statement.

(4) Other circumstances beyond the control of the claimant.

(b) The CWD is not precluded from making further inquiries or making any third-party contacts it determines to be necessary. A consent form shall be used for this purpose in accordance with MPP Section 40-157.22.

.429 If verification necessary to establish the claimant's eligibility is not provided and the CWD determines good reason(s) does not exist for the inability of the claimant to obtain verification, the claim shall be denied.

The CWD shall send the appropriate NOA. An example of the absence of good cause is the claimant's assertion that he/she cannot remember where he/she was employed or which school his/her child(ren) attended.

.5 Determination of the Amount of Retroactive Payment

.51 The amount of retroactive payment shall be computed on a month-by-month basis.

(FM).52 For those claimants whose case records are not available, the retroactive payment shall be the reasonable cost of the child care claimed, if the eligibility conditions specified in .41 above are met. For any month the retroactive payment shall not exceed the MAP for the family.

.53 For those claimants whose case records are available, the retroactive payment shall be:

.531 For cases which were denied AFDC due to excess net income: the grant amount that the individual would have been entitled to in the month of denial had the reasonable cost of child care been allowed. For the claim months following the month of denial, see .52 above.

.532 For cases of which grants were computed in accordance with MPP Chapter 44-113:

(FM)(a) For each month claimed for the period from February 1977 through November 1981, the amount of retroactive payment shall be the reasonable cost of child care as determined in .426(c) above or the amount of net nonexempt income used to determine the original grant for that month, whichever is less, except for zero base grant (ZBG) cases. For ZBG cases the amount of retroactive payment shall be the reasonable cost of child care as determined in .426(c) above, minus the amount of the difference between the net nonexempt income and MAP.

(b) For each month claimed for the period from December 1981 through August 1982:

(1) Calculate net nonexempt income for the income received by the assistance unit in accordance with MPP Chapter 44-100 by allowing the reasonable cost of child care as determined in .426 above. The \$30 and one-third disregard shall only be given for the appropriate number of months in accordance with MPP Section 44-111.23).

(2) Subtract the net nonexempt income determined in (1) above from the MAP for the Assistance Unit. The remainder is the grant amount that the assistance unit should have received.

(3) Subtract the original grant amount in the claim month from the grant amount determined in (2) above. The difference is the amount of the retroactive payment for that month.

(FM)(c) For cases in which an overpayment due to income was assessed: the difference between the overpayment amount collected and the overpayment amount determined using actual work-related costs.

.54 Delivery of Retroactive Payment

- .541 The retroactive payment determined in .53 above shall be used to offset any collectible outstanding overpayment (see MPP Section 44-351.1). Any amount in excess of the overpayment shall be paid to the claimant.
- .542 Although the amount of retroactive payment must be determined on a monthly basis, the CWD may consolidate payments covering more than one month as long as the time requirements in Section 50-013.328 are met.
- .543 The retroactive payment received by a recipient shall not be considered income or property in the month of receipt nor in the next following month.

Authority: Welfare and Institutions Code Section 10553 and 10554.

Reference: Lowry v. Opledo, Sacramento Superior Court Judgment and Writ of Mandate entered October 28, 1981, No. 270747.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

850483

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

File No. 85-0110-3
ORD 1183-71

RECEIVED FOR FILING

APR 18 10 55 AM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

MAY 21 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 21 1985
At 4:30 o'clock P.M.
MARCH FONG EU, Secretary of State
By Mayorie H. Huhner
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Janet Lombard, Regulations Analyst

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 80087; 87087.4; ~~87208~~, and 88028

SECTIONS ADOPTED

87208

SECTIONS REPEALED

83087.4

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing January 10, 1985

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

August 31, 1984

b. DATE OF ADOPTION OF REGULATION(S)

April 10, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 8 - 22, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

General Licensing Requirements

Adopt new Sections 80087(h) and (i) to read:

80087 BUILDINGS AND GROUNDS (Continued)

80087

- (h) Disinfectants, cleaning solutions, poisons, firearms and other items which could pose a danger if readily available to clients shall be stored where inaccessible to clients.
- (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.
- (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
- (A) Firing pins shall be stored and locked separately from firearms.
- (3) Ammunition shall be stored and locked separately from firearms.
- (i) Medicines shall be stored as specified in Section 80075(h) and (i) and separately from other items specified in Section 80087(h) above.
- (j) The items specified in Section 80087(h) above shall not be stored in food storage areas or in storage areas used by or for clients.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Sections 1501 and 1531.

Small Family Homes

Repeal Section 83087.4:

83087.4 STORAGE SPACE

83087.4

(a) Medicines, disinfectants, cleaning solutions, poisons, firearms and other dangerous items shall be stored where inaccessible to children.

(1) Storage areas for poisons and firearms and other dangerous weapons shall be locked.

(2) Ammunition shall be stored and locked separately from firearms.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Sections 1501 and 1531.

Foster Family Homes

Amend Section 87087.4(a) to read:

87087.4 STORAGE SPACE

87087.4

(a) Disinfectants, cleaning solutions, poisons, firearms and other dangerous items shall be stored where inaccessible to children.

(1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.

(2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.

(A) Firing pins shall be stored and locked separately from firearms.

(3) Ammunition shall be stored and locked separately from firearms.

(b) Medicines shall be stored as specified in Section 87075(j) and separately from other items specified in (a) above.

~~(b)~~(c) General storage space shall be available to ensure that nothing is stored in space used to meet other requirements of these regulations.

(d) The items specified in (a) above shall not be stored in food storage areas or in storage areas used by or for clients/children.

Authority: Health and Safety Code Section 1530.5.

Reference: Health and Safety Code Sections 1501 and 1531.

Residential Facilities for the Elderly

Adopt new Section 87208 to read:

87208 STORAGE SPACE

87208

- (a) Disinfectants, cleaning solutions, poisons, firearms and other items which could pose a danger if readily available to clients shall be stored where inaccessible to clients.
- (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.
- (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
- (A) Firing pins shall be stored and locked separately from firearms.
- (3) Ammunition shall be stored and locked separately from firearms.
- (b) Medicines shall be stored as specified in Section 87610(c) and separately from other items specified in (a) above.
- (c) The items specified in (a) above shall not be stored in food storage areas or in storage areas used by or for clients.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Sections 1501 and 1531.

Family Day Care

Amend Section 88028(g) to read:

88028 OPERATION OF A FAMILY DAY CARE HOME (Continued) 88028

(g) The home shall be free from defects or conditions which might endanger a child. Safety precautions shall include but not be limited to:

(1) Fireplaces and open-face heaters shall be screened to prevent access by children. The home shall contain a fire extinguisher or smoke detector device, or both, which meets standards established by the State Fire Marshal.

(2) Gas heaters shall be properly vented and permanently installed.

(3) Where children less than five years old are in care, stairs shall be fenced or barricaded.

(4) Poisons, detergents, cleaning compounds, medicines, firearms and other hazardous substances items which could pose a danger if readily available to children shall be stored where they are inaccessible to children.

(A) Storage areas for poisons, firearms and other dangerous weapons shall be locked.

(B) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.

1. Firing pins shall be stored and locked separately from firearms.

(C) Ammunition shall be stored and locked separately from firearms.

(5) All in-ground swimming pools shall have at least a five foot fence or covering inspected and approved by the licensing agency. Fencing shall be so constructed that it does not obscure the pool from view, cannot be easily climbed by children and is self-latching at the top of the gate. If a pool cover is used, it shall be strong enough to completely support the weight of an adult.

- (A) Bodies of water including but not limited to above ground pools which cannot be emptied after each use, fish ponds, sunken wading pools, spas, and hot tubs shall be made inaccessible when not in use, by fencing or covering. If a cover is used, it shall be strong enough to completely support the weight of an adult.
- (6) Outdoor play areas shall be either fenced, or outdoor play shall be supervised by the licensee or caregiver.
- (7) Firearms and other dangerous weapons shall be kept in locked cabinets during the hours care is provided.
- (8)(7) An emergency information card shall be maintained for each child and shall include the child's full name, telephone number and location of a parent or other responsible adult to be contacted in an emergency, the name and telephone number of the child's physician and the parent's authorization for the licensee or registrant to consent to emergency medical care.
- (9)(8) Each Family Day Care Home shall have a written disaster plan of action prepared on a form approved by the licensing agency. All children, age and ability permitting, provider and assistance provider, and other members of the household shall be instructed in their duties under the disaster plan. As new children are enrolled, age and ability permitting, they shall be informed promptly of their duties as required in the plan.

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1597.30, 1597.52(a), and 1597.54.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)
85-0304-364

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FILING
MAR 4 3 31 PM '85
ENDORSED
APPROVED FOR FILING
MAY 22 1985
Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

BY:

Rosalie Clark

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 22 1985
At 4:01 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Virginia L. Brady*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Dan Fleek, Regulations Analyst TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED
Title: _____ (See Attached List)

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☒ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☐ No ☒ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPFC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

2/20/85

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Government Code Section 11346:2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of State.)

Amend Section 63-015.13 to read:

63-015 IMPLEMENTATION OF PHOTO IDENTIFICATION

63-015

.1 (Continued)

- .13 All households currently certified for food stamp benefits must comply with photo ID requirements, unless exempt under Section 63-504.987. The date of full compliance may be selected by the CWD, if earlier than the 12-month requirement. Photo ID card or an ID card annotated to indicate that the card is valid without a photograph shall be provided by the CWD at no charge to the household.

Amend Section 63-023 to read:

63-023 IMPLEMENTATION OF REVISED PROVISIONS ON TRANSFER 63-023
OF CERTIFICATION, STAFFING STANDARDS, TREATMENT
CENTERS, AND NOTICE OF ACTION

Beginning December 1, 1983, CWDs shall implement the revised provisions on the elimination of the 60-day transfer of certification (Sections 63-201.6, 63-504.36, 63-708.3, and 63-802.22) and staffing standards (Section 63-202.2), promulgated by Public Law (7 USC 2015) 97-98 to amend the Food Stamp Act of 1977, and program clarification on treatment centers (Sections 63-503.56473 and 56477).

Amend Section 63-102(i)(3), (i)(5) and (p)(7) to read:

63-102 DEFINITIONS (Continued)

63-102

(i) (Continued)

(3) "Initial Application and Certification" means:
(Continued)

(C) (Continued)

(b) An application for certification filed after at least a one-month break since the household was last certified and subject to retrospectively budgeting.

63-102 DEFINITIONS (Continued)

63-102

(i) (Continued)

(5) "Issuance Month" in a monthly reporting and retrospective budgeting system means the month for which a food stamp allotment is issued. The allotment is based on income and circumstances in the corresponding budget month. In prospective budgeting, the budget month and issuance month are the same. In retrospective budgeting, the issuance month is the second month after the budget month.

63-102 DEFINITIONS (Continued)

63-102

p. (Continued)

(7) "Prospective Eligibility" means the determination of a household's eligibility for an issuance month based on an estimate of a household's income, circumstances, and composition which will exist in that issuance month.

Amend Section 63-300.34 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

•3 Filing, Notice of Right to File and Withdrawal (Continued)

•34 Identifying Special Need Cases (Continued)

(3) Separately computed dependent care and shelter cost deductions for elderly and disabled household members (Sections 63-502.334 and .345).

Amend Section 63-300.516, .518, and .55 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

.51 Mandatory Verification (Continued)

.516 Continuing Shelter Charges Expenses (Continued)

a. Utility Expenses

The CWD shall verify a household's utility expenses if the household wishes to claim its actual utility expense. If the household lives with and shares utility expenses with others and wishes to claim its actual utility expense, the CWD shall verify the actual utility expenses paid by the household. If the household's actual utility expenses cannot be verified before the 30 days allowed to process the application expire, the CWD shall use the SUA, provided the household is entitled to use the SUA as specified in Section 63-502.36. If the household wishes to claim expenses for an unoccupied home, the CWD shall verify the household's actual utility expenses for the unoccupied home in every case and shall not use the SUA. Verification of utility costs of an unoccupied home outside the county is the responsibility of the household (see Section 63-300.524~~0~~502.354). (Continued)

.518 Sponsored Alien

For sponsored aliens, the CWD shall verify the factors of eligibility specified in Section 63-503.534~~9~~. The sponsored alien must provide all verification required by Sections 63-403.32 and .33.

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

.55 Responsibility for Obtaining Verification (Continued)

Whenever documentary evidence is insufficient to make a determination of eligibility or benefit level or cannot be obtained the EW may require either a collateral contact or home visit. The EW shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The EW is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third-party verification. When the collateral contact designated by the household is unacceptable, the EW shall either ask the household to designate another collateral contact or substitute a home visit. The county welfare department is responsible for obtaining verification from acceptable collateral contacts. (Refer to Section 63-301-422e0.542)

Amend Section 63-301.441 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

•4 Delayed Actions (Continued)

•44 Delays Beyond 60 Days

- 441 If the CWD is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the CWD shall continue to process the original application until an eligibility determination is reached. If the household is determined eligible, and the CWD was at fault for the delay in the initial 30 days, the household shall receive benefits retroactive to the month of application. However, if the initial delay was the household's fault, the household shall receive benefits retroactive only to the month following the month of application. The CWD may use the original application to determine the household's eligibility and any supplemental information provided by the household in response to the Notice of Pending Status (DFA 377.1) or Notice of Denial (DFA 377.1) Status sent in the second 30-day period (see Section 63-301.421).

Amend Section 63-301.6, .61 and .7 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.6 PA Households

Households in which all members are applying for public assistance (PA) shall be allowed to apply for food stamp benefits at the same time they apply for PA benefits. These households' food stamp eligibility and benefit levels shall be based solely on food stamp eligibility criteria, except as provided for in Section 63-501.8. and the households shall be certified in accordance with the notice, procedural and timeliness requirements of the food stamp regulations.

.61 Single Interview

The CWD shall conduct a single interview at initial application for both public assistance and food stamp purposes, except as provided in Section 63-301.611. PA households shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs. Following the single interview, the application may be processed by separate workers to determine eligibility and benefit levels for food stamps and public assistance. A household's eligibility for food stamp out-of-office interview provisions in 63-300.42 and .43 does not relieve the household of any responsibility for a face-to-face interview to be certified for PA.

•7 GA Households

County welfare departments shall advise all GA applicant households of their potential eligibility for food stamp benefits and provide these households with food stamp application Fforms DFA 285-A1 and DFA 285-A2.

•71 Counties CWDs shall allow households in which all members are applying for GA benefits to leave a signed food stamp application DFA 285-A2, which contains, at a minimum, the household's name and address, at the GA office. The GA office shall forward these applications that same day to the appropriate food stamp office for processing. The procedural and timeliness requirements that apply to the non-PA application process shall begin when the food stamp office receives the application. Since there may be a delay involved in the transferring of applications from GA office to food stamp offices, households shall be advised that they may receive faster service if they take the application directly to the food stamp office.

Amend Section 63-403.21 to read:

63-403 CITIZENSHIP AND ALIEN STATUS (Continued)

63-403

•2 Ineligible Aliens (Continued)

•21 Income and Resources

The income and resources of an ineligible alien who would be considered a household member if it were not for his/her ineligible alien status shall be determined available to the household in accordance with Section 63-503.544.

Amend Section 63-407.221 and .222 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.2 Exemptions from Work Registration (Continued)

.22 Loss of Work Registration Exemptions

- .221 Persons losing exemption status due to any change in circumstances that is subject to the reporting requirements of Section 63-505.2+3 or .5 (such as a loss of employment that also results in a loss in income of more than \$25 a month, or departure from the household of the sole dependent child for whom an otherwise nonexempt household member was caring) shall register for employment when the change is reported. (Continued)
- .222 Those persons who lose their exemption due to a change in circumstances not subject to the reporting requirements of Section 63-505.2+3 or .5 shall register for employment at their household's next recertification.

Amend Section 63-407.61 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

•6 Ending Disqualification

- 61 Following the end of the two-month disqualification period for noncompliance with the work registration and/or job search provisions prescribed in Sections 63-407.4 or 407.48, a household may apply again to establish eligibility.

Amend Section 63-501.2 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.2 Joint Ownership

Resources owned jointly by separate households (including non-food stamp households) shall be considered available in their entirety to each household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the household's resource level. The resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply. A resource cannot be practically subdivided if the financial value of the proportionate share would be significantly reduced by sale of only the subdivision. Resources owned jointly by household members and persons in the household who are disqualified or ineligible aliens (who would otherwise be household members) shall be considered available to the household, as required by Section 63-503.54.

Amend Section 63-501.3i and (1) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

•3 Exclusions from Resources (Continued)

- i. Resources, such as those of students or self-employed persons, which have been prorated as income. The treatment of student income is explained in 63-503.223 and the treatment of self-employment income is explained in 63-503.512415. (Continued)

- 3[1] Where an exclusion applies to the use of a resource by or for a household member, the exclusion shall also apply to the use of a resource by or for an ineligible alien or a disqualified person whose resources are considered available to the household.

Amend Section 63-503.211, .222, .231(a), .241 and .252 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY (Continued) 63-503
AND BENEFIT LEVELS

.2 Determining Resources, Income and Deductions

.21 Prospective Budgeting in the Beginning Months for
Households Who Shall be Subject to Retrospective
Budgeting

.211 Determining Resources

The household's resources, at the time of the
interview shall be used to determine the
household's eligibility, in accordance with
Sections 63-501 and 63-409.12.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY (Continued) 63-503
AND BENEFIT LEVELS

.2 Determining Resources, Income and Deductions (Continued)

.22 Transitioning, Households from Prospective to
Retrospective Budgeting (Continued)

.222 If the household has three beginning months, when
the CWD receives the household's second CA 7
during the third beginning month, the CWD shall
continue to prospectively determine the
household's eligibility, ~~but the~~ CWD shall
commence issue issuing benefits retrospectively
for month four based on the actual information
reported on the CA 7 for month two, except as
specified in Section 63-503.232(c).

63-503 DETERMINING HOUSEHOLD ELIGIBILITY (Continued) 63-503
AND BENEFIT LEVELS

.2 Determining Resources, Income and Deductions (Continued)

.23 Households Subject to Retrospective Budgeting After the
Beginning Months

.231 Prospective Eligibility (Continued)

(a) Determining Resources

Each month any reported changes in the household's resources shall be used in conjunction with the resources at the time of the interview to determine the household's prospective eligibility, in accordance with Sections 63-501 and 63-409.12. (Continued)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY (Continued) 63-503
AND BENEFIT LEVELS

.2 Determining Resources, Income and Deductions (Continued)

.24 Determining the Eligibility and Benefit Level of Migrant Farmworker Households

.241 Determining Resources

The household's resources at the time of the interview shall be used to determine the household's eligibility, in accordance with Sections 63-501 and 63-409.12. (Continued)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY (Continued) 63-503
AND BENEFIT LEVELS

.2 Determining Resources, Income and Deductions (Continued)

.25 Determining Deductions For All Households (Continued)

.252 Averaging Expenses

All households may elect to have fluctuating expenses averaged. Households may also elect to have expenses which are billed less often than monthly averaged forward over the interval between scheduled billings, or, if there is no scheduled interval, averaged forward over the period the expenses are intended to cover (such as local property taxes and fire insurance). (See Section 63-502.35+2.) The household may elect to have one-time only expenses averaged over the entire certification period in which they are billed.

Renumber and amend Section 63-503.472 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY (Continued) 63-503
AND BENEFIT LEVELS

•4 Households with Special Circumstances (Continued)

•47 Residents of Drug/Alcoholic Treatment and Rehabilitation Programs (Continued)

- 472 Each treatment and rehabilitation center shall provide the CWD with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The CWD shall require the list on either a monthly or semimonthly basis. In addition, the CWD shall conduct periodic random onsite visits to the center to assure the accuracy of the listings and that the CWD's records are consistent and up to date.

a. If the center refuses to supply the list of residents or refuses to allow the CWD access to the facility to verify the list, the CWD shall terminate all certified households in the center for refusal to cooperate, in accordance with Section 63-505. The households shall be terminated through the use of the Notice of Adverse Action as specified in Section 63-504.246.

b. The households may reapply, once denied or terminated, but shall not be certified eligible until the center, as the household's authorized representative, cooperates. (Continued)

Amend Section 63-503.484 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY (Continued) 63-503
AND BENEFIT LEVELS

•4 Households with Special Circumstances (Continued)

•48 Residents of group living arrangement who receive benefits under Title II or Title XVI of the Social Security Act. (Continued)

•484 If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the CWD as provided in Section 63-505.21-3. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the CWD, as provided in Section 63-505.21-3, of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement. The group living arrangement shall return any household's ATP card or coupons to the CWD if they are received after the household has left the group living arrangement. (Continued)

Amend Section 63-504.1, and .123 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504

.1 Certification Periods

*The CWD shall establish a definite period of time within which a household shall be certified to receive benefits. At the expiration of such certification period, entitlement to food stamp benefits shall end. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. See Section 63-504.6 for recertification procedures. (Continued)

.123 Changes in Classification

If the household classification changes and Food Stamp Program eligibility is retained, the certification period shall be changed as follows:

- (a) When all members of a currently certified NA household apply for PA benefits, the CWD shall inform the household that it may be recertified for food stamps at the same time its PA eligibility is determined. In order to do so, the household shall submit an application for recertification and have a joint interview in conjunction with processing of the PA application. If the household agrees to be recertified in accordance with the PA application, the CWD shall provide the household with the application form (DFA 285-A2) necessary forms to recertify the household. If the household is determined to be eligible for PA benefits, a new food stamp certification period shall be assigned in accordance with Section 63-504.121.

Amend Section 63-504.265 and .267 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING (Continued) 63-504
ELIGIBILITY

•2 Notices of Action (Continued)

•26 Notice of Change (DFA 377.4) (Continued)

•265 Notification to Monthly Reporting Households (DFA
377.4) (Continued)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING (Continued) 63-504
ELIGIBILITY

•2 Notices of Action (Continued)

•26 Notice of Change (DFA 377.4) (Continued)

•267 Exemptions from Providing Timely Notice

The CWD shall provide an adequate only notice at
the time of the allotment change when:

- (a) The CWD elects to use general notices to
notify households of the mass changes
described in Section 63-504.391 and .392.

Amend Section 63-504.356 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING (Continued) 63-504
ELIGIBILITY

•3 Monthly Reporting (Continued)

•35 Action on Reported Information (Continued)

- 356 The income and specific deductions of a member leaving the household shall be disregarded when determining the household's eligibility and benefit level for the month following the month in which the change occurred and was subsequently reported. The household shall be provided with a notice of change (DFA 377.4) if the household's allotment increases or decreases. The remaining household members' benefit level shall continue to be retrospectively budgeted.

Renumber Sections 63-504.43, .431, .432, .433, .434, .435, .44, and .45 to .44, .441, .442, .443, .444, .445, .45, and .46 respectively; and Amend new Sections 63-504.444 and .445 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING (Continued) 63-504
ELIGIBILITY

•4 Effecting Changes for Nonmonthly Reporting Households
(Continued)

•434 Migrant Farmworker Households Receiving PA Benefits

•4341 PA households which report a change in circumstances to the CWD shall be considered to have reported the change for food stamp purposes.

•4342 The CWD shall use the monthly eligibility report (CA 7) as the food stamp report form for PA households. The CWD shall ensure that the following requirements are met for PA households not subject to food stamp monthly reporting:
(Continued)

•4343 These households shall be notified (DFA 377.4) whenever their benefits are changed as a result of changes in the PA benefits. If the PA benefits are terminated, but the household is still eligible for food stamp benefits, members of the household shall be advised of food stamp work registration requirements, if applicable, as their PA work registration exemption no longer applies.

•4344 Whenever a change results in the reduction or termination of a household's PA benefits within its food stamp certification period, and the CWD has sufficient information to determine how the change affects the household's food stamp eligibility and benefit level, the CWD shall take the appropriate action, specified in Sections 63-504.4344(a) and (b). (Continued)

•4345 Whenever a change results in the termination of a household's PA benefits within its food stamp certification period, and the CWD does not have sufficient information to determine how the change affects the household's food stamp eligibility and benefit level, the CWD shall take the appropriate action, as specified in Sections 63-504.4345(a) or (b). (Continued)

•445 Failure to Report (Continued)

•456 Mass Changes (Continued)

Amend Section 63-504.51, .511 and .512 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504

.5 Certified Monthly Reporting Households Applying for Aid in a New County

.51 The applications of households which were certified for Food Stamp Program participation in one county or state and which move to another county or this state and apply for benefits without at least a one-month break in certification, shall be treated as initial applications, as defined in Section 63-102(i) except they shall not be entitled to expedited services and shall continue to be retrospectively budgeted, as specified in Section 63-504.511.

.511 Households which were subject to retrospective budgeting in the previous county or state shall continue to be retrospectively budgeted, unless the household is now excluded, as specified in Section 63-505.21.

.512 The CWD shall assist all households, as specified in Sections 63-103.21(i)(8) and 63-3010.56, in obtaining any missing verification which the household had provided to the county or state in which the household was previously certified.

Amend Section 63-504.873 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING (Continued) 63-504
ELIGIBILITY

•8 Photo ID Cards/Systems (Continued)

•87 Households Eligible for Exemptions from Photographs
(Continued)

- 873 The household is certified by an out of office interview, as specified in Section 63-3010.4. However, the CWD should attempt to replace the nonphoto ID card with a photo ID card when the household member or authorized representative is in the office for any reason. The CWD shall not require the household member to make a special trip into the office solely for the purpose of issuing a photo ID card.

Amend Section 63-505.4(h) to read:

63-505 HOUSEHOLD RESPONSIBILITIES

63-505

•4 Verification Responsibilities for Monthly Reporting
Households (Continued)

(h) Social Security Number/citizenship/alien status of
household members when there is a change. (See Section
63-403 and 404.)

Amend Section 63-602.21 to read:

63-602 ISSUANCE SYSTEMS (Continued)

63-602

•2 General Issuance Provisions

•21 Identification (ID) Cards

The CWD shall be required to meet all the requirements for ID card usage as specified in Section 63-504.5, 6, 7 and 8. In addition, if the CWD is mandated to have photo ID cards, the requirements specified in Section 63-504.98 shall be met. If the photo ID card appears to be mutilated or altered, the cashier shall not issue the coupons, but shall advise the household to obtain a replacement photo ID card from the CWD.

State of California

Health and Welfare Agency

MEMORANDUM

To : Office of Administrative Law
1414 K Street, Suite 600
Sacramento, CA 95814

Date: February 26, 1985

Subject: Editorial Corrections
Identified as a
Result of Review
(ORD #0185-05)

From: Department of Social Services, 744 P Street, Sacramento, CA 95814

This memo is to advise you that as a result of our Monthly Reporting/Retroactive Budgeting (MR/RB) clean-up review of existing Title 22, Division 63 of the Manual of Policy and Procedures (Food Stamp Regulations) a number of inconsistencies were identified.

In 1984, the Food Stamp Regulations were extensively revised due to the MR/RB regulation revisions. References and citations in existing regulations were not changed at the time to correspond to the new numbering system.

To correct the identified inconsistencies requires the making of nonsubstantive editorial corrections. The following is a list of the inconsistencies which can be corrected through editorial corrections.

Section 63-015.13 - Citation change from 63-504.97 to 63-504.87.

Section 63-023 - (a) delete citation 63-504.36 due to number changes it is no longer applicable.

(b) change 63-503.563 to .473

(c) change .567 to .477

Section 63-102(i)(3)(C)(b) - Change "subject to retrospective budgeting" to retrospectively budgeted which is consistent with the past tense terminology used in (b) section.

Section 63-102(i)(5) - Correct misspelled word "retrospective".

Section 63-102(p)(7) - Add the word issuance month at the end of the sentence to be consistent with beginning of sentence and reduce the chance of misinterpretation. Editorial correction only no change in content.

Section 63-300.34(3) - Correct citation from 63-502.33 and .34 to .34 and .35 respectively.

Section 63-300.516 - Correct subheading to the proper term from "charges" to Expenses. Shelter expenses is the correct terminology to be used.

Section 63-300.516(a) - Correct section citation from 63-300.524a to 63-502.354.

Section 63-300.518 - Correct section citation from 63-503.53 to 63-503.49.

Section 63-300.55 - Correct section citation from 63-301.442 c to 63-300.542.

Section 63-301.441 - These changes have been made for clarity only to specify the exact form names and numbers as they have currently been revised. The changes are Notice of Pending Status DFA 377.1 or Notice of Denial DFA 377.1. This is an editorial correction only and does not change the content or intent of the regulation.

Section 63-301.6 - This regulation is being amended for clarity by including a citation (except as provided for in Section 63-501.8) for an exception to the eligibility criteria, to ensure that the exception is not overlooked.

Section 63-301.61 - Citation change to add the second citation for the out of office interview provision which was omitted. Should read 63-300.42 and .43.

Section 63-301.7 - Editorial change to include the correct form numbers for the food application forms. Should read forms DFA 285-A1 and DFA 285-A2.

Section 63-301.71 - Key word change; counties to CWDs. Correct form number from DFA 285A to DFA 285-A2.

Section 63-403.21 - Correct citation section from 63-503.54 to .44.

Section 63-407.221 & .222 - Correct citation section from 63-505.21 to 63-505.3 or .5.

Section 63-407.61 - Correct second citation section from 63-407.4 to 63-407.8.

Section 63-501.2 - Correct citation section from 63-503.54 to 63-503.44.

Section 63-501.3i - Correct citation section from 63-503.512 to .415.

Section 63-501.3 1. - This section under small (1) is currently numbered .31 and should be (1) in parenthesis.

Section 63-503.211 - Correct citation section 63-409.2 to 63-409.12.

Section 63-503.222 - This change is an editorial correction only to clarify the language and sentence structure. It does not change the content or intent of the regulation. The change from "shall issue" to shall commence issuing.

Section 63-503.231(a) - Correct citation section from 63-409.2 to 63-409.12.

Section 63-503.241 - Correct citation section from 63-409.2 to 63-409.12.

Section 63-503.252 - Correct citation section from 63-502.351 to .352.

Section 63-503.472 - Number second paragraph a and third paragraph b. This is for consistency with rest of food stamp regulations. Correct citation Section 63-504.24 to Section 63-504.246 in second paragraph, and punctuation correction only in third paragraph.

Section 63-503.484 - Correct citation section (2 times) 63-505.21 to .3.

Section 63-504.1 - Add heading for this section. This heading was erroneously omitted in a past printing (revision).

Section 63-504.123 - This is an editorial correction to specify the correct form to be used in the recertification process. Add application form (DFA 285-A2).

Section 63-504.265 - Add the form number to this section (DFA 377.4). This is an editorial correction necessary for consistency and clarity with other regulations.

Section 63-504.267 - This is an editorial correction to add the reference citation .392. The original cite is not totally inclusive of the reference needed.

Section 63-504.356 - This is an editorial correction to delete language which is redundant. This change provides clarity regarding the handling of a reported change in circumstances.

Section 63-504.43 -

Renumber 63-504.43 to .44.
Renumber 63-504.431 to .441.
Renumber 63-504.432 to .442.
Renumber 63-504.433 to .443.
Renumber 63-504.434 to .444 correct citation section from
63-504.434(a) to
Section 63-504.444(a).
Renumber 63-504.435 to .445 correct citation section from
63-504.435(a) or (b) to
Section 63-504.445(a) or (b).

Section 63-504.44 - Renumber to .45.

Section 63-504.45 - Renumber to .46.

Section 63-504.51 - This change is for clarity only. It includes the reference citation for the definition of initial application. Add to regulation as defined in Section 63-102(i).

Section 63-504.511 - Correct citation section from 63-505.2 to .21.

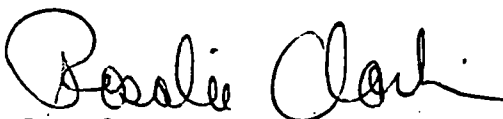
Section 63-504.512 - Correct citation section 63-301.56 to 63-300.56. Addition of a citation 63-103.21(1)(8) which enhances and clarifies this regulation.

Section 63-504.873 - Correct citation section 63-301.4 to 63-300.4.

Section 63-505.4 - For clarity it is necessary to add citation references to this section. Add (See Section 63-403 and 404). This is editorial and does not change the intent of the regulation.

Section 63-602.21 - Correct citation sections delete 63-504.5, .6 and .81 in first sentence. Correct 63-504.9 to 63-504.8.

If you have any questions or need additional information, please contact me at (916) 445-0313.



Rosalie Clark, Chief
Office of Regulations Development

Attachments

FACE SHEET

(OAL-4)

8504591
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #384-8

RECEIVED
APR 29 9 34 AM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED

APPROVED FOR FILING

MAY 23 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 23 1985

At 3:52 o'clock P. M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Harry Baertschi, Regulations Analyst

TELEPHONE

445-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: **22** SECTIONS AMENDED
MPP 14-100, 14-210, 14-120, 14-200(Title), 14-420.
SECTIONS ADOPTED 14-201, 14-205, 14-210, 14-211, 14-212, 14-213, 14-214, 14-215,
MPP 14-220, 14-221, 14-222, 14-230, 14-231.
SECTIONS REPEALED
MPP 30-310 and 14-110

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER
November 16, 1984

b. DATE OF ADOPTION OF REGULATION(S)

April 26, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.3(c))
April 12, 1985 - April 26, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Repeal MPP Section 10-310.

10-310 FUNDING AND EXPENDITURES FOR TRAINING
AND RETRAINING

10-310

Federal financial participation is available for certain costs incurred for training and retraining of personnel. The allowable costs for training and retraining must be claimed outside the Primary's allocation of federal title XX funds.

*1 Allowable training expenditures include:

*11 Salaries and fringe benefits, dependency allowances, travel and per diem.

*12 Costs of education, including tuition, books and supplies for employees who are in attendance full time at training programs for eight consecutive work weeks or longer and where such employees are not engaged in service delivery except as students in field placement.

*13 Travel, per diem and educational expenses of employees while they are attending training programs for less than eight consecutive work weeks.

*14 Educational expenses (tuition, books and supplies) for employees on part-time educational leave which involves part of the working week, evenings or mornings.

*15 Payments to experts to develop or conduct special programs, including costs of salaries and fringe benefits, travel and per diem.

*16 Costs of rental space for training activities as defined in this section.

*17 Salaries for Primary staff development personnel, including clerical and other support staff, travel, per diem, rent, postage, equipment, teaching materials and teaching aids.

*2 Federal financial participation is not available for the following outside the Primary's allocation of federal title XX funds. Such expenditures are matchable as administrative costs under the Primary's allocation for services:

*21 Salaries of newly employed workers during orientation by the Primary.

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- 22 Salaries of supervisors who are performing day-to-day supervision of staff.
- 23 Attendance at meetings or conferences of professional organizations.
- 24 Employment of students on a temporary basis such as in the summertime.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 10554.

(2) Amend MPP Chapter 14-100 Title to read:

14-100 INTENT AND DEFINITIONS GENERAL

14-100

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 10554.

(3) Repeal MPP Section 14-110.

14-110 INTENT

14-110

*1 Training programs are an important management resource for assisting county welfare departments in increasing staff competency, administering programs more effectively, and assuring high quality of public services. These regulations strengthen the relationship between training programs and organizational performance by emphasizing the role of planning in training functions, and the necessity of communication between program managers and training personnel. The overall objective of the county training program should be to assist in the achievement of organizational goals and objectives. Maximum flexibility and authority is granted to county welfare departments in designing and implementing training programs to achieve these results.

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Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 10554.

Adopt MPP Handbook Section 14-110 to read:

14-110 INTENT

14-110

Training programs are an important management resource for assisting county welfare departments in increasing staff competency, administering programs more effectively, and assuring high quality of public services. These regulations strengthen the relationship between training programs and organizational performance by emphasizing the role of planning in training functions, and the necessity of communication between program managers and training personnel. The overall objective of the county training program should be to assist in the achievement of organizational goals and objectives. Maximum flexibility and authority is granted to county welfare departments in designing and implementing training programs to achieve these results.

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(4) Renumber MPP Section 14-210.

14-210120 POLICY STATEMENT

14-210120

- 1 Each county welfare department shall adopt and make available to all classes of its employees a written training program policy statement which shall include but not be limited to the following:
 - 11 A description of departmental training responsibilities by function and level;
 - 12 General rules regarding educational leave;
 - 13 General rules regarding participation in training events sponsored by the following:
 - 131 County welfare departments;
 - 132 Other governmental entities;
 - 133 External educational or training institutions;
 - 134 Professional or other appropriate organizations.
 - 14 A description of the department's participation in the cost of training activities for its staff;
 - 15 Information regarding affirmative action and job opportunity training.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, and 15204.2.

(5) Amend and renumber MPP Section 14-120 to read:

14-120130 DEFINITIONS

14-120130

*1(a) "Career training" means training useful to the trainee and to the county welfare department in the future but not immediately applicable to the trainee's current or scheduled future job assignment.

*2(b) "Direct service providers" means individual or provider agency staff involved in the actual delivery of services to recipients, including eligibility determination when such function is specified in the provider contract. Clerical, supervisorial, management and other staff not actually delivering services to clients do not meet the definition of direct service providers.

(c) "Education costs" means the costs of tuition, books, and supplies.

*3(d) "Educational leave" means leave granted to an employee to enable attendance, for a specified period of time, at an educational or training program in lieu of reporting to work when the purpose of such program is improvement of performance and advancement to more responsible positions.

*4(e) "In-service training" means training developed, coordinated or conducted by the county welfare department, or by a contracting instructor or training organization, to meet a specific welfare department need.

*5(f) "Job-related training" means training directly applicable to the trainee's current job assignment or to an assignment scheduled to occur within the near future.

*6(g) "Out-service training" means training developed, coordinated or conducted outside the county welfare department to which the county welfare department authorizes staff attendance.

(h) "Pre-employment training" means the training of individuals who are not yet employed by the county welfare department but who are receiving financial assistance for training from the local agency and have made a legally binding commitment to work for the county welfare department for a period of time at least equal to the period for which financial assistance was provided.

•7(i) "Stipend" means money paid to a county welfare department employee or prospective employee in lieu of salary to enable that individual to attend full-time training eight weeks or longer in duration. This allowance is generally computed and paid on a monthly basis and may include the following components: "maintenance allowance" for the student; "dependency allowance"; allowance for "educational costs"; and an allowance for "compulsory employee benefits" such as retirement based on the "maintenance allowance" portion only, DASDI, workers' compensation, health insurance, etc. Finally, the particular component allowances included and the amount of allowance for each component is subject to county policy and the availability of funds.

•8(j) "Training" means any structured activity which meets all of the following conditions:

•81(1) Is the result of a consciously assessed learning need by line, management, or training personnel.

•82(2) Is designed to improve an individual's or organization's performance.

•83(3) Is characterized by a set of overt learning objectives.

•84(4) Is characterized by processes designed to foster adult learning.

•85(5) Is controlled, coordinated, or monitored and actively supported by the training personnel.

•9(k) "Training personnel" means persons involved part- or full-time in instruction/facilitation, in arranging for and coordinating staff development sessions, or in administration of the staff development function.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, and 15204.2; and 45 CFR 235.60-.66 and 45 CFR 96.30 [former 45 CFR 1396.81].

(6) Amend Chapter Title and adopt MPP Section 14-201 to read:

CHAPTER 14-200 TRAINING ~~POLICY~~ REIMBURSEMENT STANDARDS

14-201 FUNDING

14-201

Federal and/or state financial participation is available for those training costs specified as "allowable" in this chapter. The allowable costs for training shall be claimed to Group IV Staff Development on the County Administrative Expense Claim. Allowable training costs shall not be claimed as an administrative cost. Reimbursement shall be subject to the availability of federal and state funds.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, and 15204.2; and 45 CFR 235.60-.66 and 45 CFR 96.30.

(7) Adopt MPP Section 14-205 to read:

14-205 CONDITIONS FOR REIMBURSEMENT

14-205

The training costs identified in this chapter are subject to reimbursement as staff development costs provided the following conditions are met.

.1 Trainee responsibilities:

- .11 County welfare department (CWD) trainees who are attending out-service training programs for eight or more consecutive work weeks have a legally binding commitment to continue to work in the CWD for a period of time equal to the period for which financial training assistance is granted.
- .12 Persons in both income maintenance and social services pre-employment training programs have a legally binding commitment to work for the CWD for a period of time equal to the period for which financial training assistance is granted, provided employment is offered within two months after training is completed.

.2 CWD responsibilities:

- .21 The CWD shall offer employment to individuals in pre-employment training upon completion of the training program, unless precluded by merit system requirements, legislative budget cuts, position freezes, or other circumstances beyond the agency's control as determined by the DSS.
- .22 The CWD shall evaluate all training programs.
- .23 The CWD shall maintain records of the employment of persons trained or records specifying the reasons for nonemployment.
- .3 The CWD shall pursue recoupment of funds by the CWD from trainees failing to fulfill their commitment under this section. Any recoupment shall be treated as a refund and deducted from total training costs.

Authority: Welfare and Institutions Code Section 10553.

Reference:

Welfare and Institutions Code Sections 10553, 10600, and 15204.2; and 45 CFR 235.61, 45 CFR 235.63, and 45 CFR 96.30 [former 45 CFR 1396.83].

(8) Adopt MPP Section 14-210 to read:

14-210 ALLOWABLE COSTS OF THE COUNTY WELFARE
DEPARTMENT TRAINING UNIT

14-210

The following costs connected with the county staff development effort shall be subject to reimbursement.

- .1 Salaries, benefits, travel and per diem of the training personnel, while they are assigned to a county training activity, provided:
 - .11 The employee has responsibility for performing specific training activities on an ongoing basis or for a specified period of time.
 - .12 Those training personnel who are second-line supervisors or higher are assigned full time to the training unit.
 - .13 The county develops and conducts its training in accordance with the standards of this Division.
- .2 Costs of training supplies and materials, postage, books, and audiovisual equipment and aids.
- .3 Salaries and benefits, travel and per diem for outside experts hired to develop or conduct special training programs.
- .4 Costs of rental space for the training activities as defined in this Chapter when the training space is separate and apart from the CWD.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, and 15204.2; and 45 CFR 235.64 and 45 CFR 96.30 [former 45 CFR 1396.84].

(2) Adopt MPP Section 14-211 to read:

14-211 ALLOWABLE COSTS FOR INCOME MAINTENANCE
STAFF ATTENDING IN-SERVICE TRAINING

14-211

The following costs for income maintenance staff attending in-service training shall be subject to reimbursement as Staff Development costs. Active cases may be used for training purposes, however, the responsibility for authorizing public assistance may not be delegated to staff whose salaries are funded from Staff Development funds.

.1 For CWD training for AFDC-FG and U and AFDC-FC, initial in-service induction training of at least one week.

.11 Salaries and benefits.

.12 Travel and per diem.

.2 For CWD training of five or more consecutive days away from the trainee's work site:

.21 Travel and per diem.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, 15204.2, and 15204.5; and 45 CFR 235.64.

(10) Adopt MPP Section 14-212 to read:

14-212 ALLOWABLE COSTS FOR INCOME MAINTENANCE
STAFF ATTENDING OUT-SERVICE TRAINING

14-212

The following costs for income maintenance staff attending out-service training, including training directly related to the job and sponsored by professional organizations, shall be subject to reimbursement as Staff Development costs:

- .1 For full-time training of eight or more consecutive work weeks during which the trainee shall not be assigned any agency duties:
 - .11 Salaries and benefits or stipend.
 - .12 Travel.
 - .13 Educational costs.
- .2 For full-time training of at least four weeks but less than eight consecutive work weeks during which the trainee shall not be assigned any agency duties:
 - .21 Salaries and benefits.
 - .22 Travel.
 - .23 Educational costs.
- .3 For full-time training of from five consecutive work days to four weeks during which the trainee shall not be assigned any agency duties:
 - .31 Travel and per diem.
 - .32 Educational costs.
- .4 For training of less than five consecutive work days (part of a work week, or evenings or mornings):
 - .41 Educational costs.
- .5 For pre-employment training:
 - .51 Stipends.
 - .52 Travel.
 - .53 Educational costs.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, and 15204.2; and 45 CFR 235.64.

(11) Adopt MPP Section 14-213 to read: -

14-213 COSTS NOT ALLOWABLE AS INCOME MAINTENANCE
TRAINING EXPENSES

14-213

Costs including but not limited to those listed below, shall not be eligible for reimbursement as Staff Development expenses, but may be claimed within the county's allotment as administrative expenses.

- .1 Salaries and benefits of supervisors engaged in day-to-day supervision.
- .2 Salaries and benefits of students hired on a temporary basis, such as for the summer.
- .3 Attendance at meetings or conferences of professional organizations.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, and 15204.2; and 45 CFR 235.65.

(12) Adopt MPP Section 14-214 to read:

14-214 ALLOWABLE COSTS FOR SOCIAL SERVICES
STAFF ATTENDING TRAINING

14-214

The following costs for CWD Social Services staff attending either in-service or out-service training shall be subject to reimbursement as Staff Development costs:

- .1 For full-time training of eight or more consecutive weeks:
 - .11 For in-service training during which the trainee shall not be assigned any agency duties:
 - .111 Salaries and benefits.
 - .112 Travel.
 - .113 Educational costs.
 - .12 For out-service training, including employees on educational leave during which the trainee shall not be assigned any agency duties, except those duties performed as part of a college or university required field work curriculum:
 - .121 Salaries and benefits or stipend.
 - .122 Travel.
 - .123 Educational costs.
- .2 For training of at least five consecutive work days but less than eight consecutive weeks.
 - .21 Travel and per diem.
 - .22 Educational costs.
- .3 For training of less than five consecutive work days (part of a work week, or evenings or mornings):
 - .31 Educational costs.
- .4 For pre-employment training:
 - .41 Stipends.
 - .42 Travel.
 - .43 Educational costs.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and 10600; and 45 CFR 96.30 [former 45 CFR 1396.84(a)].

(13) Adopt MPP. Section 14-215 to read:

14-215 COSTS NOT ALLOWABLE AS SOCIAL SERVICES
STAFF DEVELOPMENT COSTS

14-215

Costs including but not limited to those listed below, shall not be subject to reimbursement as Staff Development expenses, but may be claimed within the county's allotment as administrative expenses:

- 1 Salaries and benefits of newly employed Social Services staff of the CWD while they are in orientation.
- 2 Salaries and benefits of supervisors engaged in day-to-day supervision.
- 3 Salaries and benefits of students hired on a temporary basis, such as for the summer.
- 4 Attendance at meetings or conferences of professional organizations.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and 10600; and 45 CFR 96.30 [former 45 CFR 1396.85].

(14) Adopt MPP Section 14-220 to read:

14-220 CONDITIONS FOR REIMBURSEMENT FOR TITLE XX
PROVIDER AGENCY TRAINING

14-220

Funding is available under Title XX for the costs of training provider agency direct service providers, provided all of the following conditions are met:

- .1 A purchase of services contract for social services, which includes such training, is in effect in accordance with Division 10.
- .2 The training provided the service agency's direct service providers is directly related to the provision of services.
- .3 The personnel must participate in the provision of services under the contract for a period of time at least equal to the time spent in training.
- .4 The costs of such training are not included in the costs of services purchased from the provider agency.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and 10600; and 45 CFR 96.30 [former 45 CFR 1396.84(e)].

(15) Adopt MPP Section 14-221 to read:

14-221 ALLOWABLE COSTS OF THE TITLE XX PROVIDER
AGENCY TRAINING UNIT

14-221

The following costs connected with the provider agency staff development activity shall be subject to reimbursement provided the conditions listed in Section 14-220 are met:

- .1 Salaries and benefits, travel and per diem for training staff providing Title XX-related training.
- .2 Salaries and benefits, travel and per diem of experts hired from outside the provider agency to develop or conduct special training programs.
- .3 Costs of training supplies, purchase or development of training materials, books, and audiovisual equipment and aids.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and 10600; and 45 CFR 96.30 [former 45 CFR 1396.84(f) and (g)].

(15) Adopt MPP Section 14-222 to read:

14-222 ALLOWABLE COSTS FOR TITLE XX PROVIDER 14-222
AGENCY DIRECT SERVICE PROVIDERS ATTENDING TRAINING

The following costs connected with the provider agency direct service providers attending training shall be subject to reimbursement provided the conditions listed in Section 14-220 are met:

.1 For full-time training of eight or more consecutive work weeks during which the trainee shall not be assigned any provider agency duties:

.11 Travel.

.12 Educational costs.

.2 For full-time training of at least five consecutive work days but less than eight consecutive work weeks during which the trainee shall not be assigned any provider agency duties:

.21 Travel and per diem.

.22 Educational costs.

.3 For training of less than five consecutive work days (part of a work week, or evenings or mornings):

.31 Educational costs.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and 10600; and 45 CFR 96.30 [former 45 CFR 1396.84(e)].

(17) Adopt MPP Section 14-230 to read:

14-230 ALLOWABLE COSTS FOR FOSTER PARENTS
ATTENDING TRAINING

14-230

The following costs for training foster parents shall be subject to reimbursement:

.1 Travel.

.2 Educational costs.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and 10600; and 45 CFR 96.30 [former 45 CFR 1396.84(h)].

(18) Adopt MPP Section 14-231 to read:

14-231 ALLOWABLE COSTS FOR TITLE XX INDIVIDUAL 14-231
DIRECT SERVICE PROVIDERS ATTENDING TRAINING

The following costs for Title XX individual direct service providers in training shall be subject to reimbursement:

.1 Travel.

.2 Educational costs.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and
10600; and 45 CFR 96.30 [former 45 CFR
1396.84(h)].

(19) Amend MPP Sections 14-420.11 and .12 to read: -

14-420 CONTENT

14-420

- .1 Training personnel and departmental program managers shall cooperate in preparation of the plan which shall include at least the following information:
 - .11 A statement of training goals and objectives for the next fiscal year which relates to and addresses the goals and objectives of the various program components, including those detailed in the Comprehensive Annual Services Program Plan (CASP); Pre-Expenditure Report;
 - .12 A copy of the training policy statement specified in Section 14-200 14-120;

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553, 10600, and 15204.2; and 45 CFR 235.60-.66 and 45 CFR 96.30.

FACE SHEET

(OAL-4)

84-1203-4
(See Instructions on Reverse)

ORD # 1283-86

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

Dec 3 3 17 PM '84

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

MAY 3 1 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

-(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

MAY 3 1 1985

At 4:13 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Hershberger*

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer

TELEPHONE

323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED MPP 21-101; 21-203; 21-104.1 thru 9; 21-107.1; 21-107.212; 21-109.2
Intro. Paragraph; 21-115 Intro. Paragraph; 21-115.1 and .2; 21-115.54; 21-117.1;
SECTIONS ADOPTED
MPP 21-104 (a), (f), (g); 21-109.24; 21-111
SECTIONS REPEALED
MPP Division 24 (in toto)

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☒ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

August 3, 1984

b. DATE OF ADOPTION OF REGULATION(S)

November 30, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Nov. 9 thru Nov. 23, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on February 1, 1985 (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Sections Amended (continued)

21-201.212 and .3; 21-203 Intro. Paragraph; 21-203.21 thru .25

Amend MPP Section 21-101 to read:

21-101 PURPOSE

21-101

The purpose of Division 21 is to effectuate the provisions of Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, the Food Stamp Act of 1977 and other applicable federal and state laws to ensure that employment practices and the administration of public assistance and social services programs are nondiscriminatory, and that no person shall, because of race, color, national origin, political affiliation, religion, marital status, sex, age or handicap be excluded from participation in or be denied the benefits of any program receiving federal or state financial aid assistance. Administrative methods/procedures which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations are prohibited.

Authority: Government Code Section 11349.7; Welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7, 11349(c), and 11349(d).

Amend MPP Section 21-103 to read:

21-103 SCOPE OF DIVISION

21-103

These requirements shall apply to the State Department of Social Services (SDSS), all county welfare departments and all other agencies receiving federal or state assistance through the Department of Social Services for the administration of Public Assistance, Food Stamps, Child Support Enforcement and Social Services. These regulations do not apply to an individual who is the ultimate recipient of assistance. Issues involving only the Medi-Cal Program shall be under the jurisdiction of the Department of Health Services. Where a discrimination complaint or other civil rights issues involve several programs, including Medi-Cal, it will be handled according to the procedures of this division. The Department of Health Services will be apprised of issues significantly affecting the Medi-Cal Program.

- The Community Care Licensing (CCL) programs in SDSS are not subject to the jurisdiction of these regulations. However, SDSS has responsibility for ensuring compliance with the sections of the California Administrative Code addressing civil rights issues.
- 21 Civil Rights requirements addressing the Child Support Program in the county District Attorney's offices are covered in separate plans of cooperation (see MPP Chapter 11-600).
- 32 The State Department of Social Services reserves the right to review, copy or otherwise obtain all data, records, reports, case files and other materials determined necessary in the conduct of complaint investigations and/or compliance reviews involving all agencies subject to the requirements of this division.

Authority: Government Code Section 11349.7; Welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349(a), 11349(f), and 11349.7; Welfare and Institutions Code Section 10553.

Adopt new MPP Sections 21-104(a), (f), and (g); amend and renumber MPP Sections 21-104.1, .2, .442a, .6, and .7; renumber MPP Sections 21-104.3, .4, .5, .8, and .9 to read:

21-104 DEFINITIONS

21-104

The following definitions shall apply to the terms as used in this Division.

(a) Accessibility - The accomodation of public facilities for use by handicapped persons.

†(b) Agency - County welfare departments, other governmental entities, private parties or individuals receiving state or federal funds assistance through SOS for the provision of services.

†(c) Authorized representative - for purposes of this section an ~~authorized~~ representative is ~~an~~ an individual or group that has written authorization from the applicant/recipient to act in his/her behalf (see MPP, Division 19, Section 19-002.55.2).

†(d) (Continued)

†(e) (Continued)

††(1) (Continued)

†††(A) (Continued)

†††(B) (Continued)

††(2) (Continued)

††(3) (Continued)

††(4) (Continued)

†††(A) (Continued)

†††(B) (Continued)

††. Has none of the impairments defined in paragraph 1 of this section but is treated by an agency as having such an impairment.

(f) International Symbol of Accessibility - The symbol specified in the State Building Code, Title 24, Part 2, Section 2-1720

used to identify facilities accessible to handicapped persons.

(d) Major Occupational Group - Groups shall include, but are not limited to, the following general positions/classifications: Social Service Supervisors, Eligibility Supervisors, Social Workers, Eligibility Workers, Welfare Aids, Receptionists, Clerical Employees. Agency personnel whose position/classification is not included, but whose primary duties/responsibilities correspond to any one of the above shall be included in that major occupational group.

*5(n) (Continued)

*6(i) "Public contact positions" include, but are not limited to, the following positions and activities, regardless of particular job classification or title: agency employees assigned to the front desk or registration counter, telephone operators, eligibility workers/supervisors, social service workers/practitioners supervisors, welfare service aides, vocational counselors, homemakers, and investigators, and any employee providing interpretive service on a continuing or as needed basis.

*7(i) "Qualified bilingual employee" is defined as an employee who, in addition to possessing the necessary qualifications for the particular classification, is certified through an SDSS approved or administered process to be proficient in and will use oral and/or written communication in the non-English language of the persons to be served. This definition shall also apply to an employee who is certified in the use of sign language to communicate with hearing-impaired persons.

*8(k) (Continued)

*9(l) (Continued)

Authority: Government Code Section 11349.7; Welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7, 11349(c), and 11349(d).

Amend MPP Sections 21-107.1 and 21-107.212 to read:

21-107 DISSEMINATION OF INFORMATION (Continued)

21-107

•1 General Requirements

Each agency shall take appropriate steps to inform all applicants, recipients and other persons, including those whose primary language is other than English, and those with impaired hearing or vision or other disabling conditions, of the provisions of this division and its applicability to the programs for which the agency receives federal or state assistance. Such notification shall also identify the employee responsible for the agency's compliance with this division. If not immediately available this information must be provided within ten ~~10~~ days of the date requested.

•2 Specific Methods to be Utilized

•21 Posters (Continued)

- 212 All instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking applicants and recipients shall be translated into appropriate languages. Such signs, or an additional sign, shall state that applicants/recipients may request aid or services in their primary language.

Authority: Government Code Section 11349.7; Welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7, 11349(c), and 11349(d); letter dated May 19, 1981 from Floyd Adams, Division Director, Office of Civil Rights, Department of Health and Human Services, Region IX, to Anthony Francis, Former Chief, Civil Rights Bureau, California Department of Social Services.

Amend MPP Section 21-109.2 introductory paragraph and adopt Section 21-109.24 to read:

21-109 DISCRIMINATORY PRACTICES PROHIBITED (Continued) 21-109

•2 Location of Facilities (Continued)

In determining the location of a facility, agencies shall not make selections which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any programs to which this regulation applies. (Ref. Division 24-Building Guidelines)

•24 When selecting the location for a public facility, the agency shall select a building accessible to handicapped and aged persons.

Authority: Government Code Section 11349.7; Welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7, 11349(d), and 11135; Welfare and Institutions Code Section 10600; Title 29 U.S.C.A. Section 794.

Adopt MPP Section 21-111 to read:

21-111 ACCESSIBILITY OF FACILITIES

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•1 The State Building Code, Title 24, Parts 2, 3, and 5, of the California Administrative Code, contains the regulations governing structural accommodations for handicapped persons in public facilities.

•2 When public areas (reception, waiting room, interview booth) public restrooms, employee restrooms, and public drinking fountains are provided, they shall be accessible to handicapped persons and identified by the international symbol of accessibility in compliance with the State Building Code. When parking is provided to the general public, it shall be accessible to handicapped persons pursuant to local ordinance and/or the State Building Code.

Authority: Government Code Section 11349.7; welfare and Institutions Code Sections 10553 and 10554.

Reference: Government, Code Sections 11349.7, 11349(c), and 11135; welfare and Institutions Code Section 10600; Title 29 U.S.C.A. Section 794.

Amend MPP Section 21-115 Introductory Paragraph and MPP Sections 21-115.1, 21-115.2, and 21-115.54 to read:

21-115 PROVISION FOR SERVICES TO NON-ENGLISH-SPEAKING 21-115
AND HANDICAPPED APPLICANTS AND RECIPIENTS (Continued)

Agencies shall ensure that effective bilingual services are provided to serve the needs of the non-English-speaking population. This need shall be met as indicated below.

- 1 A sufficient number of qualified bilingual employees shall be assigned to public contact positions in each program and/or location serving a substantial number of non-English-speaking persons. These employees shall have the language skills and cultural awareness necessary to communicate fully and effectively and provide the same level of service to non-English-speaking applicants/recipients as is provided to the client population at large.
- 11 The number of public contact positions in a each major occupational group shall be determined for each ~~district~~ office serving five percent of ~~more of~~ non-English-speaking ~~recipients~~ program and/or location whose non-English language cases equal or exceed five percent of the total cases for each program or location.
- 12 In determining this percentage, primary language groups shall be considered individually rather than cumulatively.
- 13 To determine the percentage of non-English-language cases in any program and/or location, divide the number of ongoing (continuing) non-English-language cases for each primary language group by the total ongoing (continuing) cases in that program and/or location.
- 134 To determine the required number of bilingual employees in a program and/or location, multiply the percentage of non-English-speaking language cases recipients served by each the number of public contact positions in each major occupational group by the total number of public contact positions in each major occupational group in that program and/or location.

EXAMPLE

105	Public Contact Positions
x 85	Spanish Primary Language Cases
9,25	Qualified Spanish Speaking Public Contact Positions

If application of the formula results in a product less than one, the number will be rounded to one and if greater than one it will be rounded to the nearest whole number. If application of the formula results in a whole number plus a fraction of less than one-half, it shall be rounded to the next lower number, e.g., $1.49 = 1.0$. If the resultant fraction is one-half or greater, it shall be rounded to the next higher number, e.g., $1.50 = 2.0$.

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EXAMPLE AFDC Program - Main Office

20	EWS
$\times .078$	Spanish Language Case Percentage
1.460	Equals Two Qualified Spanish Speaking EW Contact Positions

141 When the computation (to determine required bilingual staffing) results in a need for less than one full time position for a major occupational group in a program and/or location, the agency may provide services through the use of a qualified bilingual employee from another program within the same location.

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EXAMPLE:

District Office

AFDC		NAFS		SOCIAL SERVICES	
Spanish Language		Spanish Language		Spanish Language	
Cases	20%	Cases	25%	Cases	10%
Total Ews	$\times 1$	Total Ews	$\times 2$	Total Ews	$\times 1$
Required	$.2$	Required	$.50$	Required	$.1$

In the example above, one full time Spanish-speaking worker in any program would satisfy the requirements for all programs, provided that the worker would be available to interpret for the other two programs.

145 When the percentage of non-English cases in a program and/or location is less than five percent, the agency with less than five percent non-English-speaking recipients shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, qualified bilingual employees of other local agencies having bilingual staff capabilities, or community resources or other written materials in the individual's primary language.

- 156 Applicants/recipients may provide their own interpreter; however, the agency shall not require them to do so. Only under extenuating circumstances or at the specific request of the applicant/recipient shall an agency allow a minor (under the age of 18 years) to act as an interpreter.
- 2 Agencies shall provide forms or other written material in the individual's primary language when such forms are or other written material is provided by SOSS. When such forms or other written material contain spaces (other than "for agency use only") in which the agency is to insert information, this inserted information shall also be in the individual's primary language.
- 5 (Continued)
- 54 In the event that structural modifications are required to provide program accessibility, they shall conform with to the "American National Standard Specifications for Making Buildings and Facilities Accessible to and Useable by the Physically Handicapped" published by the American National Standards Institute Inc. (ANSI) ~~attitude~~ or alternative accessibility standards approved by the Office of the State Architect, pursuant to Title XXIV, Part IV, Chapter 1, Sub Chapter 1, Group 1, Access to public buildings by the physically handicapped of the California Administrative Code, or is shown to provide equal access.

Authority: Government Code Section 11349.7; welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7 and 11349(c).

Amend MPP Section 21-117.1 to read:

21-117 STAFF DEVELOPMENT AND TRAINING (Continued)

21-117

- 1 Each public contact employee shall receive training in the requirements of Division XXI. These requirements of Division XXI shall be incorporated into the content of the agency's in service orientation and continuing training programs. This shall include familiarization with the discrimination complaints process. The Department of Social Services will provide program guidelines and technical assistance upon request.

Authority: Government Code Section 11349.7; welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7 and 11349(c).

Amend MPP Section 21-201.212 and 21-201.3 to read:

21-201 COMPLIANCE PROCEDURES AND REPORTING (Continued) 21-201

•2 Compliance Reports (Continued)

•21 Each agency shall collect primary language and ethnic origin data by district offices in all AFDC, nonassistance food stamps and social services cases. This data shall be collected for each head of household or, in social services cases, each primary recipient.
(continued)

•212 Each agency shall submit this information by countywide total to SDSS semiannually. Source data substantiating the compliance report is to be maintained by district office.

•3 Contractor and Vendor Compliance

Contractors, vendors, consultants and other providers of service who receive federal or state ~~for~~ assistance through the Department of Social Services or through agencies covered by these regulations shall comply with nondiscrimination requirements of this division.

In addition, written assurances of nondiscrimination in employment practices shall be required. Discriminatory employment practices prohibited in Section 21-109.3 are fully applicable to all vendors, contractors, consultants and other providers of services.

Authority: Government Code Section 11349.7; welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7, 11349(c), and 11349(d).

Amend Introductory paragraph to MPP 21-203 and MPP Sections 21-203.24 and .25, and renumber 21-203.21, .22, and .23, to read:

21-203 APPLICANT/RECIPIENT COMPLAINTS OF DISCRIMINATORY 21-203
TREATMENT (Continued)

Agencies are responsible for investigating discrimination complaints made by applicant/recipients or by their authorized representatives, and for investigating complaints referred from remanded by the State Department of Social Services, U.S. Health and Human Services (HHS) or the U.S. Department of Agriculture (USDA).

An applicant/recipient or his/her authorized representative may file a complaint of discrimination with the state or local agency involved or directly with the appropriate agency of the federal government. Information concerning the complaint process shall be available and shall include procedures for filing complaints or appeals with the State Department of Social Services, U.S. Health and Human Services or the U.S. Department of Agriculture. The complaint must be received not later than 180 days from the date of the alleged discriminatory act unless the filing date is extended by the Department of Social Services or the responsible federal agency. (Continued)

2 Procedures for Processing Complaints (Continued)

~~22.21~~ 21 The CWD/SDSS will first attempt an early resolution by conferring with the parties involved.

~~23.22~~ 22 If a resolution cannot be reached, an investigation will be conducted (see 21-203.31).

~~24.23~~ 23 within ~~10~~ ten days of receipt of the complaint, the CWD/SDSS must inform the complainant in writing that an investigation will be conducted.

24 For those complaints requiring investigation by the CWD, the investigation, including any attempted early resolution, must be completed within ~~30~~ thirty calendar days following the acknowledgement of the complaint. Within ~~ten~~ ten working days following the completion of the investigation, the CWD shall:

~~25.24~~ 24 inform the complainant in writing of the results of the investigation, clearly stating the basis for the decision, and

(2) 242 forward a complete copy of the investigation report to SDSS.

- 25 The CWD ~~must~~ shall inform the complainant of his/her right to appeal a CWD decision to SDSS within 30 calendar days following completion of the investigation of the date on which the CWD mails, or otherwise provides the complainant with the results of the investigation. SDSS ~~must~~ shall inform the complainant of his/her right to similarly appeal an SDSS decision to the appropriate federal agency.

Authority: Government Code Section 11349.7; welfare and Institutions Code Sections 10553 and 10554.

Reference: Government Code Sections 11349.7, 11349(c), 11349(d).

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DIVISION 24 BUILDING GUIDELINES
CHAPTER 24-000 PLANNING AND SPACE ADMINISTRATION

24-001 POLICY STATEMENT

24-001

- .1 The State Department of Social Services, in order to promote the efficiency and productivity of operations, requires welfare departments to be housed in space that is adequate, accessible, functional, and appropriately located.
- .2 In adopting these regulations it is the clear intent of the Director of the State Department of Social Services, that the administration and enforcement thereof shall be on the basis of substantial, rather than specific and detailed, conformity with the purpose and intent of all applicable standards. The standards which follow are provided as the basis for judgment as to the degree to which substantial conformity may or may not exist in individual situations.

24-005 LEGAL BASIS

24 005

The department's policy results from responsibilities placed upon it by the U. S. Department of Health, Education, and Welfare to:

- .1 Secure office space for federally aided public assistance programs that "will adequately and effectively meet program and staff needs."
- .2 Establish and maintain the necessary standards and
- .3 Provide assurance that the standards are continuously in effect in all agencies and offices concerned.

(References: 45 CFR 205.170. Welfare and Institutions Code, Sections 10600, 10604., 45 CFR 84 California Government Code Section 4450, et seq.)

24-011 PLANNING

24 011

- .1 Long-range planning for welfare office space and location shall be part of the county's overall office space program.
- .2 Estimates for welfare office space needs should be projected for five (5) years. Each year, before October 1, these estimates shall be revised as necessary. These estimates may be requested by the State Department of Social Services. A brief statement may also be required yearly, outlining the basis for estimated future space needs.
- .3 Deficiencies or disagreements concerning welfare office space plans will be submitted directly to the county board of supervisors, and a copy thereof forwarded to the director of the public welfare agency.

24-013 FINANCING STUDIES BY OUTSIDE AGENCIES

24 013

In cases where office space studies are made by agencies outside of the welfare department, financial reimbursements for these services may be claimed upon prior approval of State Department of Social Services. The requirements and procedures for requesting such prior approval are contained in the Manual of Fiscal Policies and Procedures.

24-015 LOCATION

24 015

Location of welfare office space should be consistent with the principle of centralization of administrative functions (fiscal, statistical reporting, etc.) for efficiency and economy, and decentralized welfare services by the location of operational field offices convenient to the living areas of the welfare clientele. Operational offices may include permanent full-functioning offices, offices which are specialized as to function or program, or part-time itinerant interview offices at which services are available on a regular schedule, as caseloads or other circumstances may require.

The objective of this section is the reasonable availability and accessibility of welfare services to those persons who may require them. See Section 21-115.4.

24-025 CERTIFICATION OF WELFARE SPACE

24-025

All welfare space shall be certified by the County Welfare Director as to consistency with projected needs, suitability for the use intended, and its substantial conformity with required standards in order that federal and state reimbursement may be claimed. Certification by the County Welfare Director will indicate that all SDSS building standards have been reasonably met. (Also see Section 21-113.2.)

- 1 A "claiming authorization letter" is issued by State Department of Social Services as evidence that the identified premises have been certified by the Director of the County Welfare Department as meeting all SDSS building standards and requirements. Such letters shall be valid for the period of any lease or rental agreement, or until cancelled by the State Department of Social Services. Conformance to building regulations will be subject to state and federal field audit review and verification.

24-031 EXISTING WELFARE SPACE

24 031

Definition: Existing welfare space is office space which has been approved by State Department of Social Services as of the effective date of these regulations.

.1 Periodic Inspection

The State Department of Social Services may inspect existing welfare space on a periodic basis.

.2 Criteria for Approval of Existing Welfare Space

As to existing welfare space only, the General Space Standards, as set forth in Sections 24-103 and following, of these regulations may be modified if the applicant county can show that one or both of the following conditions exists:

.21 That existing welfare space which contains a lesser amount of gross floor space per employee than that which is recommended, will provide adequate, effective, and comfortable space for workers and clients, and conforms to all applicable health and safety requirements;

.22 That existing welfare space is in conformity with the original approval by the State Department of Social Services prior to the effective date of these regulations.

.23 That existing welfare space, when viewed in its entirety, provides program accessibility for physically disabled persons. See Section 21-115.4.

.3 Requests for Exceptions

It shall be the responsibility of the applicant county to fully support exceptions requested under subparagraphs (.21), (.22) and (.23) above.

.4 Continuing Claims for Reimbursement

Approval to claim reimbursement for existing welfare space costs, granted prior to the effective date of these regulations, is continued pending notification of a county that specific welfare office space fails to meet the standards established by these regulations.

.5 Notice to Counties of Deficiencies

If an inspection discloses deficiencies or departures from standards, State Department of Social Services shall notify the county concerned in writing. The notice shall describe in detail the nature of the deficiency and corrective action recommended.

24-035 ADMINISTRATIVE SANCTIONS — EXISTING SPACE

24-035

Ninety days after issuance of written notice by State Department of Social Services that specified welfare space is not in conformity with standards, and in the absence of indications that the county concerned is proceeding as evidenced by the submission of a written plan to make the necessary corrections, all applicable federal and/or state reimbursement for building costs may be suspended.

Such reimbursement shall not be resumed until an acceptable plan for the correction of noted deficiencies has been submitted by the County. Before a claiming authorization letter is issued, the County Welfare Director must certify that the plan submitted conforms to all standards established by SDSS.

24-041 PROPOSALS FOR ADDITIONAL OR IMPROVED WELFARE SPACE

24-041

Counties shall notify SDSS of intention to acquire additional or improved welfare office space, at that point in its planning where a firm decision has been reached to proceed. This point will usually be reached when schematic or preliminary plans have been prepared, and the general area within the county where the additional or improved space is to be located has been determined. (Also see Sections 21-109.4 and 21-113.2.)

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- 1 Upon certification by the County Welfare Director that new or improved welfare office space complies with SDBP standards and is ready for occupancy, a claiming authorization letter will be issued by SDBP. The letter may include such limitations or conditions as may be necessary. (Maximum number of employees to be housed in the premises, etc.) The claiming authorization letter is not to be construed to mean that the office space meets all SDBP criteria; instead, it is a document allowing use of the office space based on the County Welfare Director's certification that the office space is in compliance with all SDBP regulations and criteria.
 - 2 If upon audit review, major deviations from previously approved or certified plans are found to have occurred, SDBP will notify the county of such deviations and indicate the action necessary for correction.

24-051 REIMBURSEMENT - ADDITIONAL OR IMPROVED SPACE

24-051

No claiming may be initiated for reimbursement of costs of additional or improved welfare office space until after the following conditions have been met: (1) the completed work has been certified by the County Welfare Director as complying with all SDBP standards; and (2) a claiming authorization letter has been issued by SDBP.

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CHAPTER 24-100 BUILDING STANDARDS

24-101 BUILDING STANDARDS

24-101

- .1 The prescribed standards set forth in these regulations are minimum standards.
- .2 The cost for achieving these objectives shall be reasonable and in keeping with comparable county buildings and offices.

24-103 GENERAL SPACE STANDARDS

24-103

- .1 Welfare office space, existing, additional or improved, shall be comparable, in quantity and quality, to that provided for other county departments under county office space standards.
- .2 For overall planning purposes and as a basis for rough cost estimates, 125 to 175 gross square feet of floor area per employee is recommended. Smaller offices (those planned for 50 or fewer employees) will require a proportionately greater ratio of gross to net area in order to provide for adequate reception and waiting areas, corridors, stairways and elevators, mechanical equipment rooms, etc., than will larger offices. The gross area, including all necessary service areas, etc., shall be sufficient to provide the net working area per employee, and for other purposes, as specified in Sections 24-125 through 24-127 inclusive, of these standards.

24-105 IDENTIFICATION

24-105

The welfare office shall be well marked and clearly identifiable.

24-107 WELFARE OFFICE SITE

24-107

- .1 The welfare office shall be situated to provide easy access especially for the aged and physically disabled persons. Steep or extended grades, ramps or long stairways are to be avoided to the extent possible. In selecting a site, attention should be focused on providing adequate accessibility for aged and physically disabled persons.
- .2 Elevators shall be provided for the convenience of the public and employees, particularly physically disabled persons, and for the movement of furniture, equipment, and other heavy objects, where offices are located in a multiple story building. An exception to this requirement may be allowed with respect to buildings designed for not more than two stories, provided that there is an acceptable plan for utilization which will permit the free movement of handicapped and disabled persons, and for the movement of furniture, equipment, and other heavy objects.

24-109 HEATING AND VENTILATING

24-109

An adequate heating and ventilating system adapted to the local climate and to the type of building and its occupancy shall be provided.

24-111 LIGHTING

24-111

An adequate lighting system, properly designed and installed, shall be provided.

24-113 ACOUSTICAL TREATMENT

24-113

Excessively noisy equipment (key punches, graphotypes, etc.) or operations (large typing pools, etc.), shall be adequately insulated to prevent or suppress sound transmission.

24-115 BUILDING MAINTENANCE

24-115

Building interiors and exteriors as well as surrounding grounds shall be maintained in keeping with safeguards to health and safety, and every effort shall be exercised to obviate hazards to persons with physical disabilities.

24-117 CONFORMANCE WITH LAWS AND CODES

24-117

Welfare office space shall conform to all applicable state and local zoning, building, health, and safety ordinances and all other such regulations.

REPEAL

REPEAL

24-123 RECEPTION AND WAITING AREA LAYOUT

24 123

- .1 The public contact area shall be directly accessible from the main entrance to the welfare office.
- .2 Waiting areas for the public should be located away from the main thoroughfares of office traffic and should not be easily visible from outside the building.
- .3 A floor area sufficient to avoid congestion should be provided in front of the reception counter.
- .4 The receptionist shall be located directly in view of both the public entrance and the waiting room.
- .5 The public areas (reception area, waiting room, interview booths and rest room facilities) shall be so located that the public may be promptly served and move freely between these areas without passing through or looking into the general work areas of the office.
- .6 Adequate and appropriate seating and space shall be provided in the waiting area, which includes spaces for disabled persons using wheelchairs, canes or crutches. These spaces shall be level and shall be integrated into the general seating pattern rather than being located in a segregated area.
- .7 Facilities shall be adequate to provide for normal daily and seasonal loads.
- .8 Public rest rooms for men and women and a public drinking fountain readily accessible from the waiting area and independent of employee facilities shall be provided, and shall be accessible to and usable by physically disabled persons.
- .9 An area for children should be provided. This area should be located so that it is possible to have a direct line of vision of the parents in the waiting area.

24-125 WORK STATION REQUIREMENTS

24 125

Each regular employee shall have a regularly assigned work station which shall be equipped as necessary for the operations or functions performed, except that a single work station may be shared by two or more employees, assigned to different shifts or work periods. Each work station shall have sufficient and appropriate space for: (a) the necessary furniture and equipment; (b) the assigned worker; and (c) easy access to the station and equipment for work, maintenance, and repairs.

Other arrangements may be appropriate for employees in special aid classifications whose work is essentially field oriented.

Reasonable accommodation in the way of work station modifications shall be made for disabled employees when needed.

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1. All workers shall be so housed as to: (a) promote effective and efficient functioning, (b) permit the degree of mental concentration necessary to the type of work performed, (c) minimize the distractions and disturbances created by sound, visual contact, excessive movement and office traffic, and other distracting influences inherent in large open office areas.
 2. Within any enclosed office area, an average area of fifty-five (55) square feet per employee is recommended. —
 3. Additional space shall be provided as necessary, for equipment and furniture (other than desk and seating area), necessary to the function performed at the work station.
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24-129 PRIVATE OFFICES

24 129

- 1 Work stations where first line social work and higher supervisory functions are performed require privacy. The size of the private offices shall be determined based on the function.
- 2 All supervisor offices should be located in proximity to the unit supervised.
- 3 Private offices for first-line clerical supervisors (senior clerks, etc.) are not required. Supervisors and clerks performing specialized functions requiring mental concentration and freedom from interruption should be provided private offices as required for effective performance of the assigned function.

24-131 INTERVIEW BOOTHS

24 131

Separate interview booths, sufficient in number to accommodate normal loads, shall be provided. Booths shall be so constructed as to provide privacy of the interview. The size of the interview booths will depend upon the type of furniture to be placed in the booth, but the minimum recommended square footage should not be less than 64 square feet. In addition, a sufficient number of larger interview rooms shall be provided for group interviews (family members, interpreters, etc.).

24-135 VISITOR'S WORK SPACE

24 135

Table work space shall be provided for working visitors in central administrative offices or offices where working visitors normally need temporary work space. Such work space shall be in addition to the designated work stations of employees.

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24-137 OTHER WORK STATIONS

24-137

Sufficient space shall be provided for other work stations (such as those related to copy machines, mail handling equipment, etc.).

24-139 AISLES AND CORRIDORS

24-139

- .1 Plans for welfare office space shall include adequate aisles and corridors.
- .2 Aisles and corridors shall permit free movement of persons and equipment, and be accessible to and usable by physically disabled persons.
- .3 Aisles and corridors shall not be used as a work area or for storage of equipment, files, etc.

24-141 CONFERENCE ROOM

24-141

- .1 Conference rooms shall be provided as required by the size of the welfare department. The size of the rooms and equipment needed will depend on the nature of the conferences, their average duration, and the number of conferees to be accommodated. Approximately 10 to 15 square feet per person will generally be required.
- .2 Conference rooms shall be acoustically treated so that noise from the conference will not be disruptive to the surrounding work areas. Conference room partitions shall be ceiling height.

24-143 REST ROOMS

24-143

- .1 Adequate rest rooms for men and women employees that are accessible to and usable by physically disabled persons shall be provided and shall be so identified.
- .2 The number of rest rooms required shall be as specified by California Division of Industrial Safety standards.

24-145 STORAGE AREAS

24-145

- .1 A central store room of adequate size for supplies, stationery, forms, surplus equipment, etc., shall be provided.
- .2 Adequate storage for employees' outer garments shall be provided.

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24-147 BUILDING EQUIPMENT AREAS

24 147

Adequate space shall be provided for all building equipment needs such as space for heating and cooling equipment, electrical control panels, communications equipment, etc.

24-149 PARKING FACILITIES

24-149

Parking facilities shall be provided that will meet the requirements of either local ordinances or Sections .2 and .3 below, whichever regulation has the higher requirement.

- .1 Adequate parking facilities for official vehicles and for employee-owned vehicles used on official business shall be provided in reasonable proximity to welfare offices.

A minimum of one parking space shall be provided for physically disabled persons in parking lots and in parking structures containing up to 100 parking spaces with another such space being provided for each 100 additional parking spaces or fraction thereof. Additional spaces shall be provided where usage indicates a greater need or where a higher than normal percentage of disabled persons is anticipated to use the parking facility. Each space reserved for physically disabled persons shall be identified by use of a sign displaying the International Symbol of Access.

Parking spaces for physically disabled persons shall be located as near as practical to a primary entrance. Such spaces shall be 12 feet wide and shall be so located that a disabled individual is not compelled to wheel or walk behind parked cars other than his/her own. Surface slopes of parking spaces shall not exceed 1/4 inch per foot in any direction.

- 2 (Alternate 1)

- The provision of parking facilities for employees and the public shall be conditioned by factors including, but not limited to, availability of public transportation, travel distances involved, availability of other parking facilities in the vicinity of the welfare office and local management policies and custom.

- 3 (Alternate 2)

Parking facilities for the public shall be provided if all three of the following conditions exist (1) public transportation facilities are not available; (2) travel distances preclude walking, and (3) other parking facilities are unavailable or inadequate. Parking facilities for employees shall be provided in a manner consistent with policy established for other agencies and offices in the county concerned.

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- 1 Temporary space, planned for occupancy for normal welfare functions for a period not to exceed three years, may be exempted from the provisions of these regulations. The county shall, however, submit a statement as to the necessity and purpose of such temporary occupancy to DSS prior to actual occupancy.

A further extension of not more than two years may be granted by the Director of the Department of Social Services, upon a showing by the applicant county, that additional time is required because of circumstances or events, not reasonably foreseeable, or within the control of the county.

- 2 Space used for special purposes, such as experimental or demonstration projects, may be exempted from the provisions of these regulations for a period not to exceed the life of the project or demonstration.
- 3 Space occupied by welfare agency employees in conjunction with staff of other public and/or private social service agencies (State Service Centers, Community Social Service Agencies, etc.) may be exempted from the provisions of these regulations.
- 4 The application and enforcement of these regulations may be suspended during periods of temporary disarrangement due to unforeseen workloads, abnormal staff increases due to federal or state legislation or regulations, or other circumstances or events beyond the reasonable control of the county.
- 5 Space exempted from the provisions of these regulations under subparagraphs (1), (2), (3) and (4) above, shall conform to all applicable health, fire, safety and other such statutes and regulations. There shall be no exemption of the regulations of this Division pertaining to accessibility for the physically disabled (e.g., Sections 24-107, 24-123.6, and 24-125).

24-153 SPECIAL ADOPTION UNIT REQUIREMENTS

24-153

- 1 The Adoption Unit shall be provided with a separate reception area and waiting area when the operations are carried on in the same building with other welfare programs
- 2 Separate waiting rooms for adoptive parents and for natural parents shall be provided.
- 3 A play and viewing room shall be provided when extensive child placing activities are conducted
- 4 Storage space shall be provided to store equipment and furnishings needed to carry out the activities of an adoptions unit.
- 5 An exception to the above requirements for adoption services may be made for those licensed public adoption agencies which average less than 10 relinquishments and 10 placements per month, provided adequate provisions are made for assuring the privacy of the parties to the adoption and the confidentiality of the process.

24-154 NEW CONSTRUCTION AND ALTERATIONS

24-154

- 1 Each facility or part of a facility constructed by, on behalf of, or for the use of a county welfare department shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by physically disabled persons, if the construction was commenced after the effective date of this section.
- 2 Each facility or part of a facility which is altered by, on behalf of, or for the use of a county welfare department after the effective date of this division in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by physically disabled persons.
Thus, if the entrance or some other part of a facility is altered, access would need to be provided
- 3 Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc (ANSI A117.1), shall constitute compliance with paragraphs 1 and 2 of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

AUTHORITY: Welfare and Institutions Code Section 10553.

REFERENCE: Government Code Section 11349.7.

FACE SHEET

(OAL-4)

8505073
(See Instructions on Reverse)

ORD 1284-63

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

REG

ING

MAY 7 4 03 PM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JUN 4 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 4 - 1985

At 4:25 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Angie Teixeira, Regulations Analyst

TELEPHONE
323-0884

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED
Title: 22 63-102 (c) (2 - 6); 63-503.232(a); 63-504.324, .325; 63-504.422(c); 63-505.4(a)
SECTIONS ADOPTED
63-048; 63-102(c) (2); 63-503.232(a) (1); 63-504.324(c); 63-504.325(a)
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☒ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

January 18, 1985

b. DATE OF ADOPTION OF REGULATION(S)

May 3, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))
March 29, 1985 until 5:00 p.m.
April 12, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☒ Effective on July 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

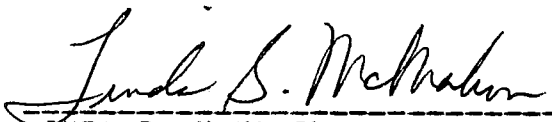
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on January 18, 1985, and which became effective on January 18, 1985.

Manual of Policy and Procedures, Division 63, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-102(c)(2)	63-048	
to (c)(6)	63-102(c)(2)	
63-503.232(a)	63-504.324(c)	
63-504.324	63-504.325(a)	
63-504.325		
63-504.422(c)		
63-505.4(a)		

These regulations were presented at public hearing on March 6, 7, and 8, 1985. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-503.232(a)	63-503.232(a)(1)	
63-504.324		
63-504.325		



 LINDA S. MCMAHON
 Director

5/3/85

 Date

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1184-58

REC'D
MAY 3 3 35 PM '85
OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING
JUN 4 1985
Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 4 - 1985
At 4:25 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Maureen Heishlager*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Jerry Demorest/Angie Teixeira

TELEPHONE
(916) 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED 40-128.12; 40-181.242; 42-205.5; 42-213.2k, .2q; 42-691.52; 43-119 et seq.; 43-201.3; 43-203.12-.15 and .2; 44-111.47; 44-113.3, .7; (Continued on attached)
SECTIONS ADOPTED 25-370; 40-118; 40-128.12, .13; 40-173.7; 40-181.241(i), .26; 42-213.12; 43-119.3; 43-201.218, .219; 43-203.11; 44-133.7, .8, .102; (Continued)
SECTIONS REPEALED
44-101.2; 44-115.72; 44-133.314, .8; 44-206.1(b); and 44-309.12/FMs: 44-133.8

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular (Final Modification) ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☒ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

45 Day notice: January 18, 1985
15 day Renotice: April 12, 1985

b. DATE OF ADOPTION OF REGULATION(S)

May 3, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 12, 1985 through April 26, 1985 inclusive

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☐ No ☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☒ Effective on July 1, 1985 (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Sections Amended (Continued)

44-133.62, .63, .10; 44-203 Title, .3; 44-205 Title .2; 44-206.1, .22;
44-207.211(b); 44-309.1/FMs: 25-370; 40-118, 40-128.121, .131;
40-181.241(e) & (i); 42-213.124(c) & .2q; 43-119.11, .341, .342, .352;
44-113.7; 44-133.3, .62 & .631(d), .73; 44-205.41, .42 & .51;
44-206.1(j); 44-207.21.

Sections Adopted (Continued)

44-310/FMs: 44-133.76.

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

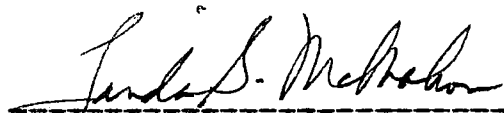
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on January 18, 1985, and which became effective on January 18, 1985.

Manual of Policy and Procedures, Divisions 25, 40, 42, 43, and 44,:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
40-128.12	25-370	44-101.2
40-181.242	40-118	44-115.72
42-205.5	40-128.12 & .13	44-133.314
42-213.2K, .2q	40-173.7	44-133.8
42-691.52	40-181.241(i), .26	44-206.1(b)
43-119, et seq.	42-213.12	44-309.12
43-201.3	43-119.3	
43-203.12, .13,	43-201.218 & .219	
.14, .15 and .2	43-203.11 et seq.	
Intro. Paragraph	44-133.7 et seq.	
44-111.47 et seq.	44-133.8 and .102	
44-113.3 et seq., .7	44-310	
44-133.62, .63 Title,		
.631 Intro. Paragraph,		
and .631 (d)		
44-133.10 Intro. Paragraph		
44-203 Title & .3 et seq.		
44-205 Title & .2 et seq.		
44-206.1 Intro. Paragraph		
and .22 Intro. Paragraph		
44-207.211(b)		
44-309.1		

These regulations were presented at public hearing on March 6, 7, and 8, 1985. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
25-370	44-133.76	44-133.8
40-118		
40-128.121 & .131		
40-181.241(e) & (i)		
42-213.124(c) & .2q		
43-119.11, .341, .342 & .352		
44-113.7		
44-133.3, .62, .631(d) & .73		
44-205.41, .42 & .51		
44-206.1(j)		
44-207.21 Intro. Paragraph & .211(c)		



LINDA S. McMAHON
Director

5/3/85
Date

(1) Adopt MPP Section 25-370 to read:

(1 FM) Amend MPP Section 25-370 to read:

25-370 CHILD/SPOUSAL SUPPORT DISREGARD

25-370

Warrants issued to pay the support disregard to eligible AFDC FG/U, EA-UP, and State Only AFDC-U assistance units shall be issued in a separate and identifiable warrant labeled "ESSB". The support disregard payment shall not be combined with any other payment issued to the assistance unit, such as the AFDC grant or the child support pass-on and excess payments.

Authority: Welfare and Institutions Code Sections 10554 and 10604.

Reference: Welfare and Institutions Code Section 10553 and 45 CFR 232.20(d).

(2) Adopt MPP Section 40-118 to read:

(2 FM) Amend MPP Section 40-118 to read:

40-118 WHO MUST BE INCLUDED AS APPLICANTS
(FILING UNIT)

40-118

- .1 The following individuals, if living in the same household as the child for whom aid is requested, shall be included on the appropriate Statement of Facts (CA 2, or CA 8 or CA 20) after an application, redetermination, request to add a person or request for restoration request:
 - .11 Natural or adoptive brothers and sisters (including half brothers and half sisters) of the child for whom aid is requested who are themselves potentially eligible children ~~(see Section 44-203.11)~~. A potentially eligible child is any child living in the home of his/her caretaker relative (see Section 44-203.115 and .2), who meets the age requirements of Section 42-101, and for whom any basis of deprivation in Section 41-401.1 has been established. A child is not potentially eligible and is not to be included when he/she is an undocumented alien or a child identified in Sections 44-206.1(a), 44-206.1(j) or 44-206.1(l).
 - .12 Natural or adoptive parent(s) of a child mentioned in .11 above.
- .2 The county welfare department shall determine whether the appropriate individuals are included on the applicable Statement of Facts (CA 2, or CA 8 or CA 20). The application, redetermination, request to add a person or request for restoration request shall be denied if the applicant refuses to include on the CA 2, or CA 8, or CA 20 any individual listed in .1 above.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450 (Stats. 1984, Ch. 1447, Sec. 9); 42 USC Section 602(a)(38), (PL No. 98-369, Sec. 2640); 45 CFR Section 206.10(a)(1)(vii), (49 FR 35599, September 10, 1984.)

(3) Renumber existing MPP Section 40-128.12 to .14 and Adopt new Section 40-128.12 to read:

(3 FM) Amend MPP Section 40-128.121 to read:

40-128 APPLICANT'S STATEMENT OF FACTS

40-128

.1 Filing an Appropriate Statement of Facts (Continued)

.12 Minor Parent Residing with Unaided Senior Parent(s) or Legal Guardian(s)

- .121 The minor parent (see Section 44-133.71) who applies for aid while residing in the same household as his/her unaided senior parent(s) or legal guardian(s) must report the income of his/her parent(s) or legal guardian(s).

In addition to the form CA 2 or CA 20, the minor parent shall submit a complete Supplement to the Statement of Facts (CA 23) to the county welfare department. The minor parent is responsible for obtaining all information necessary to complete the CA 23 and for obtaining the necessary verification from the senior parent(s) or legal guardian(s). The information and the submitted verification must provide the county welfare department with the facts necessary to make a correct eligibility and grant determination.

- .122 Failure to provide a complete CA 23 (as defined in .121 above) shall result in the denial of aid to the minor parent and child in accordance with Section 40-105.1.

.13 (Continued)

- .14 A change in an aid recipient's status from that of a medically needy person certified for medical assistance to that of a grant recipient does not require a new application. A Statement of Facts, APSB 201 or CA 2, as appropriate is required before a cash grant is authorized for such person only in circumstances described in Section 40-183.5.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008.14 (Stats. 1984, Ch. 1447, Sec. 2) 11054; 42 USC Section 602(a)39 (PL No. 98-369, Sec. 2640); 45 CFR Section 233.20(a)(3)(xviii), (49 FR 35600, September 10, 1984).

(4) Adopt MPP Section 40-128.13 to read:

(4 FM) Amend MPP Section 40-128.131 to read:

40-128 APPLICANT'S STATEMENT OF FACTS

40-128

•1 Filing an Appropriate Statement of Facts (Continued)

•13 Aliens Sponsored by Agencies or Organizations

- 131 An alien sponsored by an agency or organization (See Section 43-119.3) who applies for aid shall provide the County Welfare Department (CWD) with a statement of the ability of the sponsor to meet his/her needs. As a part of his/her application for aid on the form CA 2 or CA 20, the sponsored alien shall submit a complete Form CA 24 (Agency or Organization - Sponsored Aliens Applying For or Receiving Aid to Families with Dependent Children Sponsoring Agency or Organization's Statement of Facts Regarding Ability to Meet the Alien's Needs) to the CWD. The alien is responsible for ensuring that the CA 24 is complete.
- 132 Failure to provide a complete CA 24 (as defined in •131 above) shall result in the denial of aid to the alien.

Authority: Welfare and Institutions Code Section 10554 and 10604.

Reference: Welfare and Institutions Code Section 11008.13, 45 CFR 233.51.

(5) Adopt MPP Section 40-173.7 to read:

40-173 COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS 40-173

Prior to county action (except as provided in .7 below), the applicant or recipient shall be (a) notified of any county action which relates to his application, affects aid payment to him or his certification for medical assistance, or affects aid payment to him or his family, and (b) informed of his responsibility for reporting facts material to the determination of his eligibility. Such notification, advice, etc., shall be in simple understandable language. Required notifications are: (Continued)

.7 Notification of Child/Spousal Disregard Payment

- .71 An informational notice must be sent no later than concurrently with each child/spousal support disregard payment issued under Section 43-203.11. The notice language developed by the State Department of Social Services for this purpose shall be used.

Authority: Welfare and Institutions Code Sections 10554 and 11475.

Reference: Welfare and Institutions Code Sections 10553 and 11475.

(6) Adopt MPP Section 40-181.241(i) to read:

(6 FM) Amend MPP Section 40-181.241(e) and (i) to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF
ELIGIBILITY (Continued)

40-181

.2 Periodic Determination of Eligibility (Continued)

.24 Criteria for Evaluating Information Reported on the CA 7. (Continued)

.241 For AFDC purposes, a CA 7 is complete when all the following requirements are met: (Continued)

(e) The response to all questions pertaining to AFDC eligibility and grant amount shall provide the CWD with information sufficient to answer the question. The information provided on the CA 7 together with the submitted evidence must be sufficient for the county to determine eligibility and/or grant amounts. This includes the income and any change in resources of a stepparent living in the home, and any person who is required to apply for aid under Section 40-118 but is excluded from the assistance unit. Reported income shall include earned, unearned, exempt, and nonexempt income received during the budget month; and

(f) (Continued)

(g) (Continued)

(h) (Continued)

(i) The Supplemental Monthly Income Report (CA 73) shall be submitted with the CA 7 when the recipient is a minor parent (see 44-133.71) who lives with his/her senior parent or legal guardian. The completeness of the CA 73 shall be determined using the criteria for evaluating the completeness of the CA 7.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008.14 (Stats. 1984, Ch. 1447, Sec. 2), 11265.1; 42 USC Section 602(a)(38), (PL No. 98-369, Sec. 2640); 45 CFR Section 233.20(a)(3)(xviii), (49 FR 35600, September 10, 1984).

(7) Amend MPP Section 40-181.242 and adopt new Section 40-181.26 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF 40-181
ELIGIBILITY (Continued)

.2 Periodic Determination of Eligibility (Continued)

.24 Criteria for Evaluating Information Reported on the CA
7. (Continued)

.242 Failure to provide the information or evidence specified in .241 above shall result in the discontinuance of the assistance unit unless otherwise specified in .25 and .26 below. (See Section 40-181.22.) (Continued)

.25 (Continued)

.26 Failure to report or verify the receipt of a child/spousal support disregard payment issued under Section 43-203.11 will not result in an incomplete CA 7 nor in termination of aid.

Authority: Welfare and Institutions Code Sections 10554, 10604, and 10553.

Reference: Welfare and Institutions Code Sections 10554 and 11265.1.

(8) Amend MPP Section 42-205.5 to read:

42-205 DETERMINING OWNERSHIP OF REAL AND PERSONAL
PROPERTY (Continued)

42-205

•5 Sponsored Aliens

For purposes of this section, "sponsored alien" applies only to those aliens who are sponsored by an individual and not those aliens who are sponsored by any public or private agency or organization (see Section 43-119.2).

The resources of the alien's sponsor and the resources of the sponsor's spouse who lives with the sponsor as provided in Section 43-119.22, shall be deemed to be the sponsored alien's resources. These resources are determined as follows:

Authority: Welfare and Institutions Code Sections 10554 and 10604.

Reference: Welfare and Institutions Code Section 11008.13, 45 CFR 233.20 and 45 CFR 233.51.

(9) Adopt MPP Section 42-213.12 to read:

(9 FM) Amend MPP Section 42-213.124(c) to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED (Continued)

.1 Real Property to be Excluded (Continued)

.12 Real property, not otherwise excluded, that the assistance unit is making a good faith effort to sell may be exempt from consideration in the resource limit described in Section 42-207 for a period of no more than six consecutive months.

.121 As a condition of receiving aid during the exempt period and prior to the county granting aid, the applicant/recipient shall:

(a) Grant the county a lien against the property which shall be payable to the county when the property is sold (see Section 42-213.122), and

(b) Agree in writing to begin immediately to make a good faith effort to sell the property. See Section 42-213.123 for what constitutes a good faith effort. If the applicant/recipient elects not to sell the property at any time prior to the expiration of the six months, the property shall no longer be exempt from consideration in the resource limit.

.122 The county shall have the lien notarized (notarization by the county designated notary is acceptable) and then promptly record the lien in the county recorder's office where the property is located. The lien document shall:

(a) Clearly show that the purpose of the lien is to repay the county the amount of repayable aid received during the exempt period. See Section 42-213.124. The lien, in itself, shall not require the sale of the property.

- (b) Contain a legal description of the property that the lien is against. A legal description of the property can be obtained from the tax assessor's rolls of the county where the property is located.
 - (c) State the name(s) of the owner(s) of the property as it appears on the county assessor's rolls. The lien shall be binding on the applicant/recipient and his or her heirs, executors, administrators, and assignees.
- 123 In order to make a good faith effort to sell the property, as a condition of receiving aid during the exempt period, the applicant/recipient shall, at a minimum, either:
- (a) List the property for sale with a licensed real estate broker at the property's approximate fair market value (see Section 42-213.123(c)) and be willing to negotiate the terms of the sale with potential buyers, or
 - (b) Make an individual effort to sell the property which shall include all the following:
 - (1) Advertising once a week in at least one publication of general circulation that the property is for sale.
 - (2) Place a sign on the property indicating that the property is for sale. Whenever possible, the sign shall be visible from the street.
 - (3) Offer the property for sale at its approximate fair market value. See Section 42-213.123(c).
 - (4) Be willing to negotiate the terms of the sale with potential buyers and respond to all reasonable inquiries about the property.

(c) For purposes of this section, the fair market value of the property shall be the applicant/recipient's choice of:

(1) The assessed value of the property, or

(2) A valuation of the market value of the property obtained by the applicant/recipient from a licensed real estate broker.

(3) In exceptional circumstances, such as when the property is located in a remote area and it is impossible or impractical to obtain a valuation, and the applicant/recipient believes that the assessed value is too high or too low, the county and the applicant/recipient may agree on the market value based upon other available information.

.124 Any aid paid during the six-month period or until the property is sold, whichever comes first, shall be considered repayable aid at the time of the sale of the property and shall be collectible from the net proceeds of the sale of the property. The amount of repayable aid shall be determined as follows:

(a) If the net proceeds from the sale of the property plus the value of other countable real and personal property at the beginning of the exempt period are less than the resource limit specified in Section 42-207, there shall be no repayable aid.

(1) Example: At the beginning of the exempt period, an assistance unit had \$300 in a savings account in addition to a parcel of land that was not counted in the resource limit under this section. The property was sold for \$8,000. Loans and liens, except for the lien granted to the county under this section, that were secured by the property equaled \$6,000. Costs directly related to the sale were \$1,400. The \$6,000 plus the

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\$1,400 were subtracted from the gross amount of the sale (\$8,000) to arrive at the net proceeds from the sale of \$600. The net proceeds (\$600) plus the value of other countable resources at the beginning of the exempt period (\$300 in savings account) are less than the \$1,000 limit allowed under Section 42-207. Therefore, there is no repayable aid.

- (b) If the amount of aid paid during the exempt period exceeds the net proceeds of the sale of the property, then the amount of repayable aid is the amount of the net proceeds.

- (1) Example: The county did not count the value of a lot with a house that was owned but not occupied by an assistance unit in the resource limit as allowed under this section. At the end of six months, the property sold for \$29,000 and the family had received \$3,960 in aid payments. The net proceeds of the sale were determined to be \$3,000. The amount of repayable aid is \$3,000 because the net proceeds were less than the amount of aid paid during the exempt period.

- (c) The net proceeds of the sale are determined by subtracting from the gross amount of the sale the costs determined verified by the county to be directly related to the sale of the property, such as:

- (1) Loans and liens of the seller, other than the lien granted to the county under this section, that are secured by the property,
- (2) Title insurance fees paid by the seller,
- (3) Brokers fees paid by the seller,
- (4) Prepaid interest or loan processing fees (points) paid by the seller,

- (5) Appraisal fees paid by the seller.
 - (6) Fees paid by the seller to advertise the property, i.e., newspaper ads and for sale signs.
- 125 The county shall inform the applicant/recipient at the time this exemption is granted that it is time-limited; and, at the end of six months the assistance unit will be ineligible if the property has not been sold and the combined value of real and personal property continues to exceed the \$1,000 limit specified in Section 42-207.
- 126 The county shall retain sufficient documentation to determine the amount of repayable aid that will be collectible when the property is sold.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11257.5 [Statutes 1984, Chapter 1447]; 42 USCA Section 602(a)(7)(B) [Public Law 98-369, Section 2626]; 45 CFR 233.20(a)(5) [49 Federal Register 35599 (1984)]

(10) Amend MPP Section 42-213.2k to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
 WHICH MAY BE RETAINED (Continued)

.2 Personal Property to be Excluded (Continued)

 k. The first \$50 of current child/spousal support
 disregarded as income under Section 44-111.47 shall be
 excluded both during the month it is received by the
 county and when it is received by the assistance unit,
 if different.

Authority: Welfare and Institutions Code Sections 10554 and
 10604.

Reference: Welfare and Institutions Code Section 11008.14; 45
 CFR 233.20 and 45 CFR 302.51(b)

(11) Amend MPP Section 42-213.2q to read: .

(11 FM) Amend MPP Section 42-213.2q to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED (Continued)

.2 Personal Property to be Excluded (Continued)

- q. The exclusive property of an unaided child, except for the exclusive property of an otherwise eligible any child who is required to apply for aid under Section 40-118 but who is not presently being aided.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008.14, 11450 (Stats. 1984, Ch. 1447, Sec. 2 and 9); 42 USC Sec. 602(a)(38) (PL No. 98-369, Sec. 2640); 45 CFR Sec. 206.10(a)(1)(vii), (49 FR 35589 and 35599, September 10, 1984).

(12) Amend MPP Section 42-691.52 to read:

42-691 SANCTIONS (Continued)

42-691

•5 Continuation of Aid in the Form of Protective or Vendor Payments (Continued)

•52 The SAU worker shall arrange for a protective payee or develop a plan for vendor payments (see exception at Section 44-310). Should the individual be deregistered prior to completion of arrangements for a protective payee or a plan for vendor payments, this function shall be funded under Title IV-A of the Social Security Act.

•521 If an agency payee is used, the agency shall take care to assure that no actual or apparent conflict of interest exists.

Agency protective payees may not include the IMU worker.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11308, (Stats. 1984, Ch. 1447, Sec. 8); 42 USC Sections 602(a)(19)(F)(i), (PL No. 98-369 Sec. 2634); 45 CFR Section 234.60(a)(12), (49 FR 35603, September 10, 1984).

(13) Amend MPP Section 43-119.1 through .6 and adopt 43-119.3 to read:

(13 FM) Amend MPP Section 43-119.11, .341, .342 and .352 to read:

43-119 SPONSORED ALIENS

43-119

•1 Sponsored Alien - Definition

- 11 A sponsored alien is an alien whose entry into the United States was sponsored by a person, or any public or private agency or organization who, as part of this sponsorship, executed an affidavit of support or similar agreement on behalf of the alien (who is not the child ~~or spouse~~ of the sponsor or of the sponsor's spouse) as a condition of the alien's entry into the United States.
- 12 The provisions of 43-119.2 and .3 do not apply if the alien is:
 - 121 Admitted to the United States as a result of the application of the provisions of Section 203(a)(7) (in effect prior to April 1, 1980) of the Immigration and Naturalization Act;
 - 122 Admitted to the United States as a result of the application of the provisions of Section 207(c) (in effect after March 31, 1980) of the Immigration and Naturalization Act;
 - 123 Paroled into the United States as a refugee under Section 212(d)(5) of the Immigration and Naturalization Act;
 - 124 Granted political asylum by the Attorney General under Section 208 of the Immigration and Naturalization Act;
 - 125 A Cuban or Haitian entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422).

•2 Individual Sponsors

- 21 The provisions of 43-119.2 apply only to aliens:
 - 211 Who are sponsored by individuals; and

- 212 Who are not exempt under Section 43-119.12; and
 - 213 Who apply for AFDC for the first time after September 30, 1981; and
 - 214 For a period of three years from the date established by Immigration and Naturalization Service as the date of entry for permanent residence.
- 22 The income and resources of the sponsor who is not receiving AFDC, SSI or other public cash assistance payments (such as General Assistance) and the income and resources of the sponsor's spouse who lives with him/her and who is not receiving such public assistance payments shall be deemed to be the income and resources of the sponsored alien. See Sections 44-133.10 for the determination of the amount of this income, and Section 42-205.5 for the determination of the amount of resources.
 - 23 As a condition of eligibility, the sponsored alien has the following responsibilities:
 - 231 To provide upon county request, information and documentation concerning his/her sponsor which may be necessary to make the determination under Section 44-133.10 and Section 42-205.5; and information and documentation which the alien and his/her sponsor provided in support of the alien's immigration application.
 - 232 To obtain the cooperation from his/her sponsor which is necessary to make the determination under Section 44-133.10 and Section 42-205.5.
 - 233 To comply with reporting requirements specified in Section 40-181.25.
 - 24 In the event of the death of an alien's sponsor(s), verification of death(s) shall be required only when the information reported is questionable. In the absence of evidence to the contrary, the sponsored alien's statement under penalty of perjury is to be accepted and the sponsored alien provisions shall no longer apply.

•3 Agency or Organization Sponsors

- 31 The provisions of 43-119.3 apply only to aliens who are sponsored by an agency or organization and who are not exempt under Section 43-119.12.
- 32 For a period of three years from the date established by the Immigration and Naturalization Service (INS) as the date of entry for permanent residence, the alien shall be ineligible for AFDC unless the following occurs:
 - 321 The county determines in accordance with standards and procedures specified in Sections 43-119.33 through 43-119.35 that:
 - (a) The sponsor no longer exists, or
 - (b) The sponsor is no longer able to meet the alien's needs in accordance with standards specified in 43-119.35.
- 33 A sponsoring agency or organization shall be considered to exist unless the applicant states that the agency or organization no longer exists. This statement shall be verified when the county determines it is necessary based on the provisions of Section 40-157. If documentation cannot be obtained the alien's sworn statement to this effect shall be accepted. See Section 40-115.22.
- 34 The following standards shall be used to determine whether a sponsoring agency or organization is able to meet the needs of the sponsored alien:
 - 341 If an assistance unit consists only of aliens, all of whom are sponsored by the same agency, the agency must be able to contribute the MBSAC amount plus the value of any special need(s) for the number of persons in the assistance unit (see Section 44-207.1+23) whether or not the agency is actually providing this amount.

Example: A family of four applies for AFDC. All four are sponsored by the same agency. The sponsoring agency must be able to provide the MBSAC plus the value of any special need(s) for four persons.
 - 342 If an assistance unit has more than one sponsor or if less than all members of the assistance unit are sponsored by the agency, each sponsoring agency must be able to contribute a prorated

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portion of the total MBSAC amount plus the value of any special need(s) which reflects the number of persons in the assistance unit who are sponsored by that agency or organization. This figure is calculated by determining the applicable MBSAC for the entire assistance unit and prorating this amount based on the number of aliens sponsored by each agency and adding the value of any special need(s) for those aliens.

Example: An assistance unit of five applies for AFDC. Three of them were sponsored by one agency; the other two were sponsored by a different agency or an individual sponsor. The first agency must be able to provide at least 3/5 of the MBSAC amount plus the value of any special need(s), and if it is able, these three members of the unit would be ineligible for AFDC. If the second agency is able to provide at least 2/5 of the MBSAC amount plus the value of any special need(s), the other two members would also be ineligible. If on the other hand, these two members were sponsored by an individual sponsor, that sponsor's income would be deemed to an assistance unit of two and applied against MBSAC/MAP for two (assuming the other three members of the unit are ineligible).

- .35 An existing sponsoring agency or organization shall be considered able to meet the alien's needs unless the alien provides to the county a statement (CA 24/see Section 40-128.13) signed by the director (or any other person authorized to act on behalf of the agency or organization) that the agency or organization is no longer able to meet the alien's needs. This statement shall affect the alien's eligibility as follows:
 - .351 If the sponsoring agency states it is unable to meet any of the alien's needs, the alien if otherwise eligible, shall be aided.
 - .352 If the sponsoring agency states it is able to meet only part of the alien's needs (less than the applicable MBSAC amount plus the value of any special need(s)), the alien, if otherwise eligible, shall be aided and the actual amount provided by the sponsor shall be treated as income to the alien. Any in-kind income received by the alien shall be treated in accordance with Section 44-115.8.

- 353 If the sponsoring agency states it is able to provide at least the amount specified in 43-119.341 or .342, the alien shall be ineligible.
- 354 If the sponsoring agency fails or refuses to provide the aliens with a signed statement of its inability to meet all or a part of the alien's needs, the county welfare department shall attempt to obtain a statement from the agency in accordance with Section 40-157.213. If both the alien and the CWD are unable to obtain a signed statement from the sponsoring agency, the alien shall not be eligible for AFDC assistance.

Authority: Welfare and Institutions Code Sections 10554 and 10604.

Reference: Welfare and Institutions Code Section 11008.13; 45 CFR 233.51.

(14) Adopt MPP Sections 43-201.218 and .219 to read:

43-201 CHILD AND SPOUSAL SUPPORT AND PATERNITY (Continued) 43-201

.2 Ongoing Child and Spousal Support Activities (Continued)

.21 The welfare department shall provide the District Attorney with any information requested concerning support cases. The welfare department shall also advise the District Attorney's office in writing if any of the following circumstances arise: (Continued)

.211 (Continued)

.212 (Continued)

.213 (Continued)

.214 (Continued)

.215 (Continued)

.216 (Continued)

.217 (Continued)

.218 A child moves from one assistance unit to another or more than one assistance unit is established for the children of the same mother.

.219 A disregard is provided through the grant computation based on direct support payments received and retained by the assistance unit. [See Section 43-201.31.] (Handbook)

Authority: Welfare and Institutions Code Sections 10554 and 10604.

Reference: Welfare and Institutions Code Sections 10553 and 11457; 45 CFR 233.20(j) and 302.51(b).

(15) Amend MPP Section 43-201.3 to read:

43-201 CHILD AND SPOUSAL SUPPORT AND PATERNITY (Continued) 43-201

.3 Child and Spousal Support Collections (Continued)

When support payments are made, the county welfare department shall determine the effect of those payments on the eligibility of the AFDC recipient family.

.31 If a recipient has received a support payment directly from an absent parent and he or she does not send the payment to a county agency as required under Section 43-107.26, the welfare department shall notify the District Attorney (Section 43-201.215) and treat the payment as follows:

.311 Determine what portion of the direct payment represents the current month support obligation.

.312 From the amount determined in .311, disregard an amount up to \$50.00. However, no amount shall be disregarded under this section if a full disregard has been provided under Section 43-201.341.

(a) The IV-A agency must coordinate with the IV-D agency to establish procedures guaranteeing that the total disregard provided does not exceed \$50 in cases that receive and retain support payments.

.313 Treat the remainder of the direct payment as unearned income in the month received.

.32 When the county IV-D distribution agency processes the support payment, that agency will notify the welfare department of the amount of the collection, the disregard amount, and the date the support payment was received.

.321 Upon completion of case level distribution in the month following the month of collection, notification from the county distribution agency of the collection and disregard amounts shall be forwarded to the IV-A agency with sufficient time for the redetermination of eligibility and grant computation in the month of distribution.

- .33 When the welfare department receives a notice of collection amount and disregard computation (.32 above), it shall redetermine the AFDC recipient family's eligibility in accordance with Section 44-207. This means that the amount of the collection on the current support obligation, (after allowing the disregard in Section 44-111.47) will be used in estimating financial eligibility.
- .331 If the family is determined to be financially ineligible for AFDC, the welfare department shall take action to discontinue aid to the family as soon as administratively practicable. The welfare department shall also notify the collecting agency that aid has been discontinued so that child support collections for current month obligations received in any month for which the family was ineligible and no aid was paid can be forwarded directly to the family.
- .332 If the family continues to be financially eligible for AFDC, the IV-D Unit will continue to distribute the collection in accordance with Section 43-203.
- .34 When the child/spousal support collection is distributed under Section 43-203, certain payments will be made to the family.
 - .341 Up to the first \$50.00 in support collected which represents payment on the required support obligation (court ordered or voluntary) shall be paid by the IV-A Agency to the assistance unit as a disregard. This payment shall be disregarded as income and resources for eligibility determination and grant computation as specified in 42-213.2(k) and 44-111.471.
 - .342 Any payment made to the family under Sections 43-203.13 and .15 from child/spousal support collected in any month is considered available income in the month received.

Authority: Welfare and Institutions Code Sections 10554, 10604, and 11475.

Reference: Welfare and Institutions Code. Sections 11008.14, 11457, 11475; 45 CFR 232.20(a) and (d), 45 CFR 233.20(a)(3) and (j); and 45 CFR 302.51(b).

(16) Adopt MPP Section 43-203.11 to read:

43-203 DISTRIBUTION OF CHILD AND SPOUSAL SUPPORT
PAYMENTS (Continued)

43-203

•1 Child and Spousal Support Collected

Support collected by the designated agency for a recipient of AFDC with respect to whom an assignment pursuant to 43-106.1 is effective, shall be distributed as follows:

•11 Of the amount of collection which represents payment on a current support obligation (court ordered or voluntary), the IV-A agency shall first pay to the assistance unit a disregard payment of up to \$50.00 beginning with current collections received on or after October 1, 1984.

•111 If the current support collection is less than \$50.00, the assistance unit shall be paid the entire amount.

•112 If amounts are collected for one assistance unit which represent payments on the required support obligation from two or more absent parents, only one disregard of up to \$50 shall be paid to the family.

•113 If amounts collected from an absent parent which represent payment on the required support obligation, are for children in multiple assistance units, a disregard of up to \$50.00 shall be paid to each assistance unit from its specified or prorated portion of the collection.

•114 This disregard payment shall be made by the 5th calendar day of the month following the month of distribution. The distribution month is the month following the month of collection.

•115 This disregard payment shall apply only to AFDC FG/U, EA-UP and State Only AFDC-U cases. Foster Care (IV-E) cases are not eligible for this disregard payment.

•116 No payment shall be made under 43-203.11 if the maximum disregard has been provided under 43-201.31.

- 117 No payment shall be made under 43-203.11 for a month in which there is no current support collection.

Authority: Welfare and Institutions Code Sections 10554, 10604, and 11475.

Reference: Welfare and Institutions Code Sections 11457, 11475; and 45 CFR 232.20(a) and (d), 45 CFR 233.20(a)(3) and (j), and 45 CFR 302.51(b).

(17) Amend MPP Sections 43-203.12 through .15 inclusive, and 43-203.2 "Introductory Paragraph" to read:

43-203 DISTRIBUTION OF CHILD AND SPOUSAL
SUPPORT PAYMENTS (Continued)

43-203

•1 Child and Spousal Support Collected

Support collected by the designated agency for a recipient of AFDC with respect to whom an assignment pursuant to 43-106.1 is effective, shall be distributed as follows: (Continued)

•11 (Continued)

•12 Any amount collected in excess of that distributed in .11 above and which represents payment on the required support obligation for the month of collection, shall be retained by the county to reimburse, in whole or in part, the aid payment for that month. Of the amount retained, the county shall reimburse the state and federal governments to the extent of their participation in the financing of the aid payments.

•13 Any amount collected that is in excess of the amount required to be distributed under .11 and .12 above (and which represents payment on the required support obligation for the month of collection) shall be paid to the family up to the difference between the aid payment in the month of collection and the court ordered amount for the same month. (Continued)

•14 Any amount collected that is in excess of that required to be distributed under .11, .12 and .13 above shall be retained by the county as reimbursement for past assistance payments made to the family which have not been otherwise reimbursed. (Continued)

•15 Any amounts collected which are in excess of the amounts required to be distributed under .11 through .14 above and which represent payment on a past support obligation shall be paid to the family. (Continued)

•16 (Continued)

•17 (Continued)

•2 Identification of Payments

Any amount paid to the family pursuant to .13 and .15 shall be identified as a child support payment and not as an aid payment. Amounts paid under .11 must be identified and paid pursuant to instructions in Section 25-370.

•21 (Continued)

•22 (Continued)

•23 (Continued)

Authority: Welfare and Institutions Code Sections 10554, 10604, and 11475.

Reference: Welfare and Institutions Code Sections 11457, 11475; 45 CFR 232.20 and 45 CFR 302.51(b).

(18) Repeal Section 44-101.2

44-101 INCOME DEFINITIONS

44-101

*2 Restricted income is any resource received by or on behalf of a particular child under legal conditions which limit the application of such resource solely to the use and benefit of the particular child. Examples of restricted income include Social Security payments, child support payments and some trust payments. Restricted income does not include the earnings of a child (Section 44-111*2)*

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008.14 and 11450 (Stats. 1984, Ch. 1447), Sec. 2 and 9); 42 USC Section 602(a)(38) (PL No. 98-369, Sec. 2640); 45 CFR Section 206.10(a)(1)(viii), (49 FR 35589, 35599, September 10, 1984).

(19) Amend MPP Section 44-111.47 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME (Continued)

•4 Exclusions or Exemptions of Other Payments and Income
(Continued)

•47 Child/Spousal Support Disregard]

The first \$50 per month of current child/spousal support paid to or on behalf of an assistance unit shall be disregarded when determining both eligibility and grant amount. See Section 42-213.2(k). [Handbook]

•471 When the child/spousal support payment is received by the county, the amount of the current support payment which is paid to the assistance unit shall be disregarded. This disregard is applied in the month in which the child/spousal support payment is received by the county for eligibility determination and applied in the month in which the disregard payment is received by the assistance unit, if different, for eligibility and grant determination.

•472 When a current child/spousal support payment is directly received by the assistance unit from the absent parent, the first \$50 of such payment is disregarded and the balance of the support payment is considered income to the assistance unit. See Section 43-201.31. [Handbook]

•473 The total amount of the current child/spousal support disregard attributable to any month shall not exceed \$50 per assistance unit regardless of whether the child/spousal support is received by the county, with a portion paid to the assistance unit, or the support payment is received by the assistance unit directly. If in the same month the assistance unit receives a disregard payment from the county attributable to a prior month and also receives a current support payment directly from an absent parent/spouse, the assistance unit shall be entitled to both disregards. If the assistance unit receives a payment from the county which consists of payments from current child/spousal support for more than one month, the

\$50 limit shall apply only to the total child/spousal support disregard for the month to which the disregard is attributable.

For example, the county received current child/spousal support payments of \$150 in January, \$150 in February and issued the assistance unit a payment of \$100 in March. The total \$100 shall be disregarded in March for purposes of determining eligibility and grant since it is attributable to January and February.

Authority: Welfare and Institutions Code Sections 10554, 10604, and 11475.

Reference: Welfare and Institutions Code Sections 11475 and 11008.14; 45 CFR 233.20(a)(3) and (j), and 45 CFR 302.51(b).

(20) Amend MPP Section 44-113.3 to read:

44-113 NET INCOME (Continued)

44-113

.3 Net Income from Social Security, Railroad Retirement Benefits and Other Pensions

.31 Net income from Social Security or from Railroad Retirement Benefits is the actual amount paid to or on behalf of a member of the assistance unit except:

.311 When Social Security benefits are paid to a representative payee on behalf of a member of the assistance unit and the representative payee does not live in the same household as the assistance unit, the Social Security benefits are counted as income only to the extent that the representative payee makes them available for the support of the beneficiary.

.32 Net income from other types of pensions and similar sources is the amount received or, if the individual is required to pay income tax on such income or has other required expenses in receiving such income, net income is the amount received less these expenses.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008.14, 11450 (Stats. 1984, Ch. 1447, Sec. 2 and 9); 42 USC Section 602(a)(38) (PL No. 98-369, Sec. 2640); 45 CFR Section 206.10(a)(1)(vii), (49 FR 35589, 35599, September 10, 1984).

(21) Amend MPP Section 44-113.7 to read:

(21 FM) Amend MPP Section 44-113.7 to read:

44-113 NET INCOME (Continued)

44-113

- .7 Child/spousal support which is paid to the recipient by the absent parent and not forwarded to the county or which is collected by the county and paid to the recipient pursuant to Sections 43-203.13 and .15 shall be considered available income when received. except as specified in 44-111.47.

Authority: Welfare and Institutions Code Sections 10554 and 10604.

Reference: Welfare and Institutions Code Sections 11475 and 11008.14; 45 CFR 233.20(a)(3) and 45 CFR 302.51(b).

(22) Repeal Section 44-115.72

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

When a need item is earned or contributed in kind, the income value placed upon such earnings, contributions, etc., is the amount specified below. (Continued)

.7 Nonneedy Relatives (Continued)

•72 Minor Parent Living with Nonneedy Parent(s)

When the FBH consists of a minor parent and his/her children living with his/her nonneedy parent(s), in-kind values for housing, utilities, food and clothing for the minor parent shall be deducted as in-kind income. Additional deductions for the child(ren) of the minor parent shall be made in accordance with •71 above.

Natural or adoptive parent(s) who receive AFDC, APSB, SSI/SSP, EVH or In-home Care benefits shall not be considered to be nonneedy parents for purposes of this section.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.14 (Stats. 1984, Ch. 1447, Sec. 2); 42 USC Sec. 602(a)(39), (PL No. 98-369, Section 2640); 45 CFR Sec. 233.20(a)(3)(xviii), (49 FR 35600, September 10, 1984).

(23) Repeal Section 44-133.314 to read:

(23 FM) Amend Section 44-133.3 et seq. to read:

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

[Amend .3 Title and .31 through .313 to read]

.3 Income in Cases in Which a Parent or Other Caretaker Child Has Been Excluded from the FBW Assistance Unit

.31 If a parent or child living in the home is required to apply for aid under 40-118 and is excluded from the Family Budget assistance unit for reasons other than being a recipient of another aid program or a member of a different assistance unit, a portion of his/her income is income to the Family Budget assistance unit. This portion is determined as follows:

.311 Determine the parent's or child's net nonexempt income according to Chapter 44-100. Allow disregards in Section 44-113 except the \$30 and 1/3 or, as applicable, the \$30 disregard.

.312 Subtract the maximum aid for the number of persons in the FBW assistance unit, excluding the parent or child, from the maximum aid for the persons in the FBW assistance unit, including the parent or child. To this difference add any allowable recurring special needs for the excluded parent or child if such needs are verified. The maximum amount allowed for recurring special needs for the excluded parent or child shall not exceed \$10. This subsection does not apply when an excluded parent or child is included in a stepparent unit (see 44-133.6) or in a senior parent unit (see 44-133.7).

.313 Subtract the figure determined in .312 from income determined in .311 above. The remaining amount is income to the FBW assistance unit.

Example: A parent with earned income is excluded from the FBW assistance unit which consists of three children. Monthly gross earned income is \$350. Assume MAP for 3 is \$506 and MAP for 4 is \$601.

Gross Income	\$350.
Standard Work Expense Disregard	<u>- 75</u>
(See Section 44-113.214)	
Net Income	\$275
MAP for 4	\$601 *
MAP for 3	<u>-506 *</u>
MAP Differential	\$ 95
Verified Special Needs	<u>+ 9</u>
	\$104
Net Income	\$275
MAP Differential + Verified	
Special Needs	<u>-104</u>
Income to FBW the	\$171
<u>Assistance Unit</u>	
MAP for 3	\$506 *
Income to FBW the	<u>-171</u>
<u>Assistance Unit</u>	
Grant	\$335

*MAP amounts are subject to change. Use currently applicable amounts specified in 44-315.411.

[Renumber .32 provisions to read .81. See Filing Instruction 26 in this same set of Revisions.]

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008.14 and 11450 (Stats. 1984, Ch. 1947, Sec. 2 and 9); 42 USC Sec. 602(a)(38) and (39), (PL No. 98-369, Sec. 2640); 45 CFR Sec. 206.10(a)(1)(vii) and 233.20(a)(3)(xviii), (49 FR 35599 and 35600; September 10, 1984).

(24) Amend MPP Section 44-133.62, .63 Title, and 44-133.631 Introductory Paragraph and .631(d) to read:

(24 FM) Amend MPP Sections 44-133.62 and .631(d) to read:

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

.6 Income In Cases Where A Stepparent Resides In The Home (Continued)

.62 Needs of Stepparent Unit (Continued)

When the stepparent is excluded from the assistance unit, the county shall determine his/her ability to support the Stepparent Unit on the basis of the AFDC Minimum Basic Standard of Adequate Care (Section 44-207.112) plus any special needs, if applicable. See Section 44-211. Allow disregards from the stepparent's gross income in accordance with Section 44-133.63(a) through (c).

.63 Computation of Income to the Assistance Unit (Continued)

.631 The stepparent's income deemed available to the assistance unit is determined as follows:
(Continued)

(d) Deduct the MBSAC amount for members of the stepparent unit plus any special needs, if applicable. See Section 44-211.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.14 and 11450 (Stats. 1984, Ch. 1947, Sec. 2 and 9); 42 USC Sec. 602(a)(38) and (39), (PL No. 98-369, Sec. 2640); 45 CFR Sec. 206.10(a)(1)(vii) and 233.20(a)(3)(xviii), (49 FR 35599, 35600, September 10, 1984).

(25) Adopt MPP Section 44-133.7, et. seq. to read:

(25 FM) Amend MPP Section 44-133.73 and Adopt .76 to read:

44-133 TREATMENT OF INCOME - AFDC

44-133

.7 Income in Cases Where the Senior Parents or Legal Guardians Reside in the Home with a Minor Parent.

.71 Definitions

For purposes of this section the following definitions shall apply:

- .711 A Minor Parent is a parent who is less than 19 years of age. The term minor parent also includes a pregnant woman less than 19 years of age who has no other children in the home.
- .712 A Senior Parent is the natural or adoptive parent of a minor parent.
- .713 A Legal Guardian is a person empowered by a court to be the guardian of the minor parent.
- .714 A Senior Parent Unit consists of the senior parent or legal guardian, his/her spouse, his/her children and any other persons residing in the home who may be claimed by the senior parent or legal guardian as dependents for federal income tax purposes when they are not in the assistance unit. When the minor parent is excluded from the assistance unit for reasons other than being an SSI/SSP recipient, the minor parent shall be a member of the Senior Parent Unit.
- .72 When a minor parent is an SSI/SSP recipient, the income of the senior parent or legal guardian residing in the home shall not be subject to the senior parent computation in Section .75 below. The aid payment and income of the SSI/SSP recipient shall be treated in accordance with Section 44-133.2.
- .73 Regulations concerning income to the assistance unit from a senior parent or legal guardian of a minor parent apply only when the senior parent or legal guardian resides in the home with a minor parent and the minor's

child and the senior parent or legal guardian is not in the assistance unit.

- 74 When the senior parent or legal guardian is included in the assistance unit, the total amount of the senior parent's or legal guardian's net nonexempt income shall be income to the assistance unit for the purposes of eligibility determination and grant computation.
- 75 Computation of Income to the Assistance Unit.

The income of the senior parents or legal guardians to be allocated to the assistance unit shall be determined as follows:

- 751 When a senior parent or legal guardian receives lump sum income (Section 44-207.41), the lump sum income shall be treated as income in the month received and is not subject to the lump sum period of ineligibility computation (Section 44-207.42).
- 752 Determine the net nonexempt income of each senior parent or legal guardian according to the provisions in Chapter 44-100.
 - (a) When determining net earned income, each employed senior parent or legal guardian shall be entitled to the following work expense disregards from gross earnings:
 - (1) When the senior parent or legal guardian worked at least 100 hours and at least 13 days in the month to which the income was earned, allow a \$75 disregard.
 - (2) When the senior parent or legal guardian worked less than 100 hours or less than 13 days in the month to which the income was earned, allow a \$50 disregard.
 - (3) When the hours and days are not reported, but information provided is sufficient to determine that the senior parent or legal guardian was employed at sometime during the month, allow a \$50 disregard.

(4) The dependent care expense disregard, the \$30 and one-third disregard and the \$30 disregard shall not be allowed.

.753 Deduct the amounts actually paid by each senior parent or each legal guardian to persons not living in the home but who are, or could be claimed by the senior parents or legal guardians as dependents for purposes of determining federal income tax liability.

.754 Deduct any child and spousal support paid by the senior parent or legal guardian to persons not living in the home.

.755 Deduct the MBSAC amount for members of the Senior Parent Unit plus any special needs, if applicable. The remainder is net nonexempt income to the assistance unit.

.756 Example: Senior Parents' Income to the Assistance Unit

Computation Factors

- Senior Parent Unit consists of two senior parents and one child.
- AFDC assistance unit consists of a minor parent and an aided child.
- One senior parent earns \$600 within the month from full-time employment.
- One senior parent earns \$100 within the month from part-time employment.
- No payments are made by the senior parents to persons living outside the home.

Computation

\$600 Gross income of senior parent employed full-time

- 75 Less ~~.753(a)~~ .752(a)(1) work expense disregard

\$525

H A N D B O O K

\$100 Gross income of senior parent
employed part-time

- 50 Less ~~753(b)~~ 752(a)(2) work expense
disregard

\$ 50

\$575 Net income of both senior parents

-555* Less MBSAC for Senior Parent Unit (3
persons)

\$ 20 Senior parent's income to assistance
unit

* This MBSAC amount is subject to change.
Use currently applicable amount specified
in 44-207.122.

.76 When the income of a senior parent has been used to
compute the SSI/SSP grant of another person, the county
shall notify the Social Security Administration that the
income of the senior parent is now being considered in
computing an AFDC grant (see Sections 44-133.26 and
.27).

Authority: Welfare and Institutions Code Sections 10553 and
10554.

Reference: Welfare and Institutions Code Section 11008.14
(Stats. 1984, Ch. 1447, Sec. 2); 42 USC Sec.
602(a)(39), (PL No. 98-369, Sec. 2640); 45 CFR
Sec. 233.20(a)(3)(xviii), (49 FR 35600, September
10, 1984).

(26) Repeal existing and Adopt new Section 44-133.8 to read:

(26FM) Repeal Section 44-133.8; Adopt 44-133.8 Title and Renumber existing 44-133.32 to read 44-133.81 as follows:

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

.8 The Income of Other Unaided Children in the Home

The income of any child in the home required to apply for aid in Section 40-118 who is not presently being aided shall be computed in accordance with Section 44-133.3.

.8 Income of a Nonneedy Caretaker Relative Other Than the Parent

32.81 The amount by which a nonneedy relative, other than a parent with whom the child lives, is able and willing to meet the child's needs is income to the Family Budget Unit.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553, 10554, and 11008.14, 11450 (Stats. 1984, Ch. 1447, Sec. 2 and 9); 42 USC Sec. 602(a)(38) (PL No. 98-369, Sec. 2640); 45 CFR Sec. 206.10(a)(1)(vii), (49 FR 35589), 35599, September 10, 1984).

(27) Amend MPP Section 44-133.10 "Introductory Paragraph" and Adopt 44-133.102 to read:

44-133 TREATMENT OF INCOME (Continued)

44-133

•10 Income in Cases Where an Alien Has Been Sponsored for Entry into the United States.

•101 When an alien is sponsored by an individual as defined in Section 43-119.2 the income of his/her sponsor who is not receiving AFDC, SSI or other public cash assistance payments (such as General Assistance) and the income of the sponsor's spouse who lives with the sponsor and who is not receiving such public cash assistance payments shall be deemed to be the sponsored alien's income. This income is determined as follows: (Continued)

•102 When an alien is sponsored by an agency or organization as defined in Section 43-119.3 and the sponsoring agency or organization is unable to meet all of the needs of the alien (Section 43-119.3), income from the sponsoring agency or organization shall be treated as net nonexempt income to the sponsored alien.

Authority: Welfare and Institutions Code Sections 10554 and 10604.

Reference: Welfare and Institutions Code Sections 11008.13 and 11008.14; 45 CFR 233.51 and 45 CFR 233.20(a)(3)(ii).

(28) Amend MPP Section 44-203 "Title" and .3 to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS 44-203

.3 Other Relatives Living in the Home of an Eligible Child

.31 Other relatives include:

.311 Second married or unmarried parent (natural or adoptive).

.312 Stepparents who are:

a. unemployed (see Section 41-440.1 for definition of unemployment)

b. the spouse of an eligible child's natural or adoptive parent when the basis of deprivation is the incapacity of a natural or adoptive parent.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450 (Stats. 1984, Ch. 1447, Sec. 9); 42 USC Section 602(a)(38), (PL No. 98-369, Sec. 2640); 45 CFR Section 206.10(a)(1)(vii), (49 FR 35599, September 10, 1984).

(29) Amend MPP Section 44-205 "Title" and .2 to read:

(29 FM) Amend MPP Sections 44-205.41, .42 and .51 to read:

44-205 ESTABLISHING THE FBU

44-205

.2 Determining the Caretaker Relative(s)

.21 When an applicant for AFDC submits the Form CA 2, it includes the names of all potentially eligible children living in the home. The first step in establishing the FBU is to determine the caretaker relative(s) of the children. It is necessary to identify the caretaker relative(s) in order to determine if there will be one or more FBU's (see Section 44-203.21 Definition of Caretaker Relative above).

.211 Generally, if the child is living with a parent, the parent is the caretaker relative. If the child is not living with a parent, generally the applicant will be the caretaker relative. The county must make a determination of what person or persons have responsibility for the care and control of the children for whom aid is requested based on information supplied by the applicant.

.3 Determining the Number of FBU's in the Home

.31 Once the county has determined which person or persons in the home is a caretaker relative, it is possible to establish the FBU. All of the eligible child(ren) will be in one FBU if there is only one caretaker relative in the home. If there is more than one caretaker relative in the home, the eligible children of each caretaker will be in separate FBU's, except in the following situations:

.311 Only one FBU is established where the caretaker relative is a parent who could be included as an eligible child in the FBU of another caretaker relative in the home. (Deprivation for all the eligible children must be established per EAS Chapter 41-400.)

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Example: A common example would be when a daughter in her parent's FBU has a child and aid is requested on behalf of that child. If the daughter continues to meet

all other eligibility requirements as a child in her parent's FBU and her child is otherwise eligible, then her child is added to the existing FBU. This applies even if the father of the daughter's child is living in the home so long as deprivation continues to exist. When the otherwise eligible father of the daughter's child is living in the home he must be added to the existing FBU as the second parent of an eligible child (Section 44-205.412).

- .312 Only one FBU is established where two caretaker relatives in the home have separate children and also have a child in common for whom aid is requested.
- .313 Only one FBU is established where the two caretaker relatives in the home are married to each other and have separate children.
- .314 Only one FBU is established when a pregnant woman in the home can be included as an eligible person in an existing or applicant FBU. See .64 for establishing an FBU for a pregnant woman who cannot be included in an existing or applicant FBU.

.4 Persons Who are Required to be Included in the FBU

- .41 Every FBU shall include at least one eligible child or pregnant woman with the following exception: when the only otherwise eligible child in the home must be excluded due to receipt of SSI/SSP (see Section 44-206.1(a)), that child shall be considered the basis for establishing an FBU for the needy relative(s) when the child meets the criteria specified in Section 44-203.1. The FBU shall also include the following persons living in the home*, except as specified under Section 44-205.42:
 - .411 The natural or adoptive parent who is the caretaker relative of the child(ren); and
 - .412 The eligible child's second married or unmarried natural or adoptive parent*; and
 - .413 Every eligible natural or adoptive brother, half-brother, sister, or half-sister of the child for whom aid is requested, and/or who is

considered the basis for establishing the FBU unless the brother or sister is a member of a different FBU per Section 44-205.31.

- .42 When the family has complied with the provisions of a person who is required to apply for aid under Section 40-118 and a person who is required otherwise eligible to be included in the FBU under .41 above, wishes to decline assistance, that person may shall be left out of excluded from the FBU. but However, his/her income and resources will shall be considered, available to the same extent as if he/she were included in the FBU. See Chapter 42-200 for determination of resources. Net income will be computed in accordance with Section 44-133.3. See Sections 44-133.3, 44-207.21 and 44-207.3 for treatment of his/her income for grant computations and income eligibility. See Chapter 42-200 provisions for treatment of his/her resources.

.5 Persons Who May be Included in the FBU

- .51 Additional relatives living in the home may be included in the FBU on request of the applicant or recipient.

At the time of application, redetermination, or at any other time the recipient informs the county of any other relatives in the home, the county shall identify for the applicant or recipient which additional relatives in the home may be included in the FBU, and the county shall advise the applicant or recipient of the effect of including or excluding such relative(s). This advice shall include a description of the FBU composition which will result in the maximum aid to which the family is eligible (considering the income and resources of each person who may be included). The following relatives shall be included upon request of the applicant or recipient in the FBU unless excluded pursuant to Section 44-206.1:

.511 Other related eligible children.

.5112 The caretaker relative who is not a parent.

.5113 Stepparents who are:

- (a.) unemployed (see Section 41-440.1 for definition of unemployment).
- (b.) the spouse of an eligible child's natural or adoptive parent when the basis of

deprivation is the incapacity of a natural or adoptive parent.

•6 Aid Based on Pregnancy

- 61 In determining eligibility for AFDC and the pregnancy special need payment, and for determining FBU composition, the term "pregnant woman" includes a pregnant child.
- 62 When the unaided father of the unborn is living in the home with a pregnant woman who is in an FBU of one without an eligible child, the father is an excluded parent and his income is treated in accordance with Section 44-133.3.
- 63 The application for aid based on pregnancy and/or the application for the pregnancy special need is considered an application for the "family". See Section 40-103.5. In addition to the pregnant woman, the family includes the following:
 - 631 The unborn, when born and living with the mother, and
 - 632 The father of the unborn when he is in the home at the time application is made and through the month of birth. See Section 44-206.1(k).
- 64 An FBU of one without an eligible child may be established for a pregnant woman who meets all of the following conditions:
 - 641 The pregnant woman and the unborn child, if born and living with the mother, would be eligible for AFDC in the month of payment.
 - 642 The woman has provided medical verification of pregnancy to the county.

Medical Verification is a written statement from a physician or physician's assistant or by an authorized member of the physician's staff with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated due date.
 - 643 The pregnant woman could not be an eligible person in an existing or applicant FBU.

.644 When the deprivation of the pregnant woman one-person FBU is State-only AFDC-U, the limitation in EAS Section 41-440.125 applies.

.7 Separate FBU

.71 A separate FBU for an otherwise eligible person(s) whose needs were not considered in the lump sum computation may be established when the existing FBU is in the period of ineligibility resulting from receipt of lump sum income.

.72 When an FBU is ineligible as a result of having received three months of State-only AFDC-U program benefits in a 12 consecutive month period, a separate FBU may be established for an otherwise eligible person(s) in the home whose needs have not been considered for the State-only AFDC-U program.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008.14 and 11450 (Stats. 1984, Ch. 1447, Sec. 2 and 9); 42 USC Section 602(a)(38), (PL No. 98-639, Sec. 2640); 45 CFR Section 206.10(a)(1)(vii), (49 FR 35589 and 35599, September 10, 1984).

(30) Amend MPP Section 44-206.1 "Introductory Paragraph", Repeal 44-206.1(b) and Amend 44-206.22 "Introductory Paragraph to read:

(30 FM) Amend MPP Section 44-206.1(j) to read:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE FBU

44-206

.1 The following persons must be excluded from the FBU (even if it would be appropriate to include them under Section 44-205.4 or .5): (Continued)

(j) The sponsored alien whose total needs are being met by a sponsoring agency (Section 43-119.3) or by a sponsor's deemed income. (Section 44-133.10) (Continued)

.2 The entire family is ineligible for aid payments when: (Continued)

.22 A natural or adoptive parent living in the home of the aided child or a pregnant woman aided under Section 44-205.62 (one person FBU) is participating in a strike on the last day of the month. The FBU remains ineligible for any subsequent month(s) in which the county can reasonably estimate that participation in the strike will continue through the last day of the month. If aid is discontinued or denied because the county estimated that the parent or pregnant woman would be participating in a strike through the last day of the month and the applicant or recipient later reports that participation in the strike ceased before the last day of the month, the county shall rescind the discontinuance or denial and issue the correct grant. (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450 (Stats. 1984, Ch. 1447, Sec. 9); 42 USC Section 602(a)(38), (PL No. 98-369, Sec. 2640); 45 CFR Section 206.10(a)(1)(vii), (49 FR 35599, September 10, 1984).

(31) Amend MPP Section 44-207.211(b) to read:

(31 FM) Amend MPP Section 44-207.21 Introductory Paragraph and .211(c) to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

•2 185 Percent Income Limit for Eligibility (Continued)

•21 Description of 185 Percent Income Limit (Continued)

The FBW assistance unit is ineligible any month in which the total reported or anticipated gross income of the family for that month exceeds 185 percent of the combined Minimum Basic Standard of Adequate Care (MBSAC) and the value of any special needs. When the gross income includes the income of a parent or a child living in the home who is required to apply for aid under Section 40-118 but is not included in the FBW assistance unit, the MBSAC shall be increased by one (1) for each such individual.

•211 After application of the appropriate exemptions and exclusions not otherwise precluded by this section, income considered in the 185 percent income limit is the total of gross income as defined in Chapter 44-100. For purpose of the 185 percent income limit, the following exceptions shall apply: (Continued)

(b) The child/spousal support collected by the county shall be included in gross income, except as specified in Section 44-111.47.

(c) The total gross income of excluded parents or children, without the disregards and exemptions in Section 44-133.3, shall be included in gross income.

(d) (Continued)

(e) (Continued)

Authority: Welfare and Institutions Code Sections 10554, 10604, and 11475.

Reference: Welfare and Institutions Code Sections 11008.14
and 11475; 45 CFR 233.20(a)(3) and (j), and 45 CFR
302.51(b).

(32) Amend MPP Section 44-309.1 and Repeal Section 44-309.12 as follows:

44-309 PROTECTIVE PAYMENTS IN APPLYING THE CHILD 44-309
 SUPPORT SANCTION

Choosing, appointing and reviewing protective payees.

.1 When the parent or needy caretaker relative is excluded from the assistance unit pursuant to Sections 44-206.1(d)(1) or 44-206.1(d)(2), the payment for the assistance unit shall be made in its entirety by protective payments provided the county is able to locate an appropriate protective payee. See Section 44-310. Where protective payments are made solely because of a failure to cooperate or to assign support rights pursuant to Sections 43-106 or 43-107.1: (Continued)

.12 Deleted by Manual Letter No. 85-04.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554; 42 USC Section 602(a)(26)(B), (PL No. 98-369, Sec. 2634); 45 CFR Sec. 234.60(a)(13), (49 FR 35603, September 10, 1984).

(33) Adopt MPP Section 44-310 to read:

44-310 EXCEPTION TO PROTECTIVE PAYMENTS REQUIREMENT 44-310
 UNDER SECTIONS 42-691.5 AND 44-309

- 1 Protective payments under Sections 42-691.5 and 44-309 are not required if, after making all reasonable efforts (see .2 below), the county is unable to locate an appropriate individual to whom protective payments can be made. In this case, the county shall continue to make payments on behalf of the remaining members of the assistance unit to the sanctioned caretaker.
- 2 At a minimum, reasonable efforts on the part of the county to locate a protective payee shall include the following actions:
 - 21 Inform the sanctioned individual that the county is required to make protective payments if it is able to locate an appropriate protective payee.
 - 22 Ask the sanctioned individual to name a person who can act as the protective payee, and explain the selection criteria of Section 44-309.13 to the sanctioned individual.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553, 10554 and 11308 (Stats. 1984, Ch. 1447, Sec. 8); 42 USC Sec. 602(a)(19)(F)(i) and (602)(a)(26)(B), (PL No. 98-369, Sec. 2634); 45 CFR Sec. 234.60(a)(12) and (13), (49 FR 35603, September 10, 1984).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0284-07

85 0508 0

RECEIVED FOR FILING
MAY 8 10 06 AM '85
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
JUN 7 1985
Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 7 - 1985

At 4:12 o'clock P. M.

MARCH FONG EU, Secretary of State

By Virginia L. Brady
Deputy Secretary of State

LEAVE BLANK

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AGENCY CONTACT PERSON AND POSITION

Dan Fleek, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 20000 (Subdivision 2, Chapter 1)

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☒ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

8/31/84

b. DATE OF ADOPTION OF REGULATION(S)

5/7/85

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary
of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.

Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

• • Administration • •
322-5660

Executive/Legal • •
322-5901

Enforcement
322-6441

April 17, 1985

Jim McCann
Department of Social Services
744 P Street, Room 1516
Sacramento, CA 95814

Dear Mr. McMann:

The Fair Political Practices Commission approved the attached amendment to the Conflict of Interest Code of the Department of Social Services on April 16, 1985.

A copy of the amended code containing the FPPC approval stamp should be filed with the Office of Administrative Law within the next ten days. A rulemaking file is not required with a conflict of interest code. However, an agency does need to indicate on the Face Sheet that it is transmitting an amended code as approved for filing. Once an endorsed copy of the code has been returned to you from OAL, please prepare a clean copy of the code, incorporating the amendments as approved by the Commission, and forward it to this office.

Pursuant to Government Code Section 11346.2, the amendment will become effective on the 30th day after the amendment is filed with the Secretary of State.

Please note that initial statements of newly designated employees are due within 30 days of the effective date of this amendment.

If you have any questions regarding this matter, please do not hesitate to contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script, reading "Jeanette E. Turvill".

Jeanette E. Turvill
Legal Assistant
Legal Division

JET:plh
Attachment

1. Amend Section 20000 "GENERAL PROVISIONS" (Title 22, Subdivision 2, Chapter 1) to read:

Chapter 1 DEPARTMENT OF SOCIAL SERVICES CONFLICT OF INTEREST CODE

20000. - 20005. GENERAL PROVISIONS
20006. Appendix
20007. Disclosure Categories

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard Conflict of Interest Code which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Department of Social Services, except as provided below.

Pursuant to Section 414 of the standard Code, designated employees shall file statements of economic interests with the agency. Upon receipt of the statement of the Director, the agency shall make and retain a copy and forward the original of this statement to the Fair Political Practices Commission.

As provided in Section 1 of the standard Code, 2 Cal. Adm. Code Section 18730(b)(1), the definitions contained in the Political Reform Act of 1974 shall apply to the terms used in this Code except that the term "business entity" shall also include non-profit corporations.

Note: Authority cited: Sections 87300 and 87304, Government Code. Reference: Sections 87300, et seq., Government Code.

The terms of a standard Conflict of Interest Code are found in Title 2 California Administrative Code Section 18730. The Department of Social Services has designated positions and disclosure categories in the attached Appendix.

20001. Title 2, California Administrative Code, Section 18730 and any amendments, along with the attached Appendix, are incorporated by reference to constitute the Conflict of Interest Code of the Department of Social Services as required by Government Code Sections 87300 et seq.

20002. Employees in designated positions shall file statements of economic interests as required by the filing officer for the Department of Social Services.

20003. The Director's original statement shall be sent to the Fair Political Practices Commission and a copy shall be retained by the filing officer.

20004. The Director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and is not required to comply with the disclosure requirements described in Disclosure Category 1. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director shall forward a copy of this determination to the Fair Political Practices Commission. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

20005. The term "business entity" includes nonprofit corporations.

Note: Authority cited: Government Code Sections 87300 and 87306; Title 22 California Administrative Code Section 18730.

Reference: Government Code Sections 87302 and 87306.

HISTORY:

1. New Chapter 1 (Section 20000 and Appendix) filed 3-18-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 12-1-80 (Register 81, No. 12).

CONSULTANTS

All Consultants (See General Provisions Section 20004)

- * Consultants should be included in the list of designated employees and should disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:

With respect to Consultants, the Director, however, may determine in writing that a particular consultant, although a "designated person", is hired to perform a range of duties that are limited in scope and not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director shall forward a copy of this determination to the Fair Political Practices Commission. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

20006.

APPENDIX

Assigned
Disclosure
Categories

Designated Positions

DIRECTORATE

Director, Department of Social Services	1
Chief Deputy Director, Department of Social Services	1
<u>Administrative Assistant to the Director</u>	2
<u>Special Assistant to the Chief Deputy Director</u>	1
Assistant to the Director, Southern Region	2
Executive Secretary Officer, State Social Services	
Advisory Board	2
Executive-Secretary-Life-Care-Contracts-Advisory-Board	2
Special-Assistant-to-the-Director,-Legislature	2
Chief,-Affirmative-Action-Office	2
Chief,-Office-of-Public-Information	2
Special-Assistant-to-the-Director	2
Chief,-Office-of-Government-and-Community-Relations	2
Assistant-Director,-Community-Affairs	2
Government-and-Community-Liaison	2
Disaster-Response-Unit Chief	2
<u>Deputy Director, Legislation</u>	2
<u>Legislative Coordinator</u>	2
<u>Chief, Office of Deaf Access</u>	2
<u>Chief, Office of Services to the Blind</u>	2
<u>Chief, Equal Employment Opportunity Office</u>	2
<u>Executive Advisor, Intergovernmental Affairs</u>	1
Consultants*	1

*See Section 20004 on disclosure for consultants

FPPC APPROVED ON 4-16-85

Designated Positions

Assigned
Disclosure
Categories

GOVERNMENT AND COMMUNITY RELATIONS

<u>Chief, Government and Community Relations</u>	2
<u>Local Government Liaison</u>	2
<u>Chief, Life Care Contracts Management Branch</u>	2
<u>Chief, Disaster Response Unit</u>	2
<u>Chief, Emergency Welfare Services</u>	2
<u>Chief, Refugee Services</u>	2
<u>Administrative Assistant to the Chief, Refugee Services</u>	2
<u>Staff Services Manager II</u>	2
<u>Staff Services Manager I</u>	2
<u>Associate Governmental Program Analyst</u>	2
<u>Staff Services Analyst</u>	2
<u>Chief, Public Information Office</u>	2

LEGAL AFFAIRS DIVISION

Deputy Director, Legal Affairs	2
Administrative Assistant to the Deputy Director	2
Chief Counsel	2
Chief Referee	2
Assistant Chief Counsel	2
Staff Counsel III	2
Staff Counsel II	2
Staff Counsel I	2
Legal Counsel	2
Social Service Review Officer III	2
Social Service Review Officer II	2
Staff Services Manager I	2

OFFICE OF CHIEF REFEREE

<u>Chief Referee, DSS, CES</u>	2
<u>Administrative Assistant to the Chief Referee</u>	2
<u>Assistant Chief Hearing Officer</u>	2
<u>Senior Hearing Officer</u>	2
<u>Supervising Hearing Officer</u>	2
<u>Hearing Officer II</u>	2
<u>Hearing Officer I</u>	2
<u>Staff Services Manager I</u>	2

Designated Positions

Assigned Disclosure Categories

OFFICE OF REFUGEE AFFAIRS

Chief, Office of Refugee Affairs	3
Chief, Manager Bureau	3
Chief, Policy and Systems Unit	
Chief, Field Operations Bureau	3
Chief, Fiscal Monitoring Unit	3
Associate Governmental Program Analyst	3
Chief, Program Monitoring Unit	3
Associate Governmental Program Analyst	3

WELFARE PROGRAM OPERATIONS DIVISION

Deputy Director, Welfare Program Operations	32
Administrative Assistant to the Deputy Director	32
Chief, BHI Rate Setting Project Branch	3
Chief, AFDC Program Management Branch	3
Chief, AFDC/BHI Bureau	3
<u>Bureau Chiefs</u>	2
Chief, Adult and Foster Care Program Management Branch	32
<u>Chief, Adult Program Management Bureau</u>	3
<u>Chief, Foster Care Management Bureau</u>	3
<u>Chief, Foster Care Rates Bureau</u>	2
<u>Staff Services Manager I</u>	2
<u>Associate Governmental Program Analyst</u>	2
<u>Staff Services Analyst</u>	2
Chief, Food Stamp Program Management Branch	3
<u>Bureau Chiefs</u>	2
Chief, Child Support Program Management Branch	3
<u>Bureau Chiefs</u>	2

Designated Positions

Assigned Disclosure Categories

CENTRALIZED DELIVERY SYSTEM DIVISION

Deputy Director, Centralized Delivery System	3
Administrative Assistant to the Deputy Director	3
Chief, External Affairs Branch	3
Chief, Computer Systems Branch	3
Chief, Data Processing Bureau	3
Data Processing Manager ii	3
Chief, Technical Services Bureau	3
Chief, SPAN Project Bureau	3
Data Processing Manager iv ii, iii	3
Staff Services Manager iv ii, ii	3
Chief, Data Base Facilities Bureau	3
Chief, Program Activities Branch	3
Chief, County EDP Unit	3
Staff Services Manager i	3
Associate Data Processing Analyst	3
Associate Governmental Program Analyst	3

ADULT AND FAMILY SERVICES DIVISION

Deputy Director, Adult and Family Services	32
Administrative Assistant to the Deputy Director	32
Chief, AB 1642 Implementation Branch	3
Chief, Systems and Policy Branch	3
Chief, Adoptions Branch	32
<u>Chief, Adoptions Field Support Bureau</u>	3
<u>Chief, Adoptions District Services</u>	3
<u>Chief, Adoptions Program Development Bureau</u>	2
<u>Chief, Adoptions Recruitment Unit</u>	2
Chief, Adult Services and Operations Branch	3
Chief, Adult Services Operations Bureau	3
<u>Chief, Adult and Family Services Operations Bureau</u>	3
Chief, In-Home Supportive Services Bureau	3
Chief, Policy and Regulations Section	3
Chief, Systems Section	3
Chief, Family and Children's Services Branch	32
Chief, Family/Children's Services Program Operations Bureau	3
Chief, Family/Children's Services Policy Bureau	3
<u>Chief, Information Systems Development Bureau</u>	3
<u>Chief, Office of Child Abuse Prevention</u>	2
<u>Chief, of Policy and Administration Units</u>	2
<u>Specialist in Child Abuse Prevention</u>	2

Associate Governmental Program Analyst
Staff Services Analyst
Chief Family Supportive Services Bureau

2
2
3

Designated Positions

Assigned Disclosure Categories

ADMINISTRATION DIVISION

Deputy Director, Administration	32
Administrative Assistant to Deputy Director	32
Chief, Financial Management Services Branch	3
Chief, Accounting and Systems Bureau	3
Chief, Budget Bureau	3
Chief, County Fiscal Administration Policy and Procedures Bureau	3
Chief, Audit Evaluation Section	3
Chief, IHSS Payrolling Section	3
Chief, County Administrative Expense Control Bureau	3
Chief, Staff Services Branch	3
Chief, Administrative Business Services Bureau	3
Chief, Facilities Support	3
Chief, Purchasing and Property	3
Business Services Officer I, Purchasing Unit	3
Business Management Trainee, Purchasing Unit	3
Chief, Space and Communications	3
Space and Communications Consultant	3
Chief, Special Services Bureau Section	3
Chief, Forms Management	3
Chief, Training Bureau	3
Chief, Contracts Bureau	3
Chief, Administrative Services Contracts Section	3
Administrative Services Contracts Officers	3
Chief, County Third Party Section	3
Chief, Personnel Services Management Branch	3
Chief, Personnel Bureau	3
Chief, Labor Relations Bureau	3
Chief, Civil Rights Bureau	3
Chief, Estimates Branch	3
Chief, Statistical Services Branch	3

Designated Positions

Assigned
Disclosure
Categories

DISABILITY EVALUATION DIVISION

Deputy Director, Disability Evaluation	32
Administrative Assistant to Deputy Director	32
<u>Disability Evaluation Services Administrator III</u>	3
<u>Disability Evaluation Services Administrator II</u>	3
Chief, Program Operations Office Medical Services Representative	3
Chief, Field Branches	3
Los Angeles East	3
Oakland	3
San Diego	3
Sacramento	3
Fresno	3
Los Angeles West	3
<u>Chief, Program Services Bureau</u>	3
<u>Systems Specialist</u>	3
<u>Data Control Systems Coordinator</u>	3
<u>Word Processing Coordinator</u>	3
<u>Chief, Support Services Bureau</u>	3
<u>Facilities Operation Analyst</u>	3
<u>Communications and Systems Security</u>	3
<u>Contracts and Invoice Control</u>	3
<u>Purchase and Inventory Control Technician</u>	3
Chief, State Programs Branch	3
Chief, Central Operations Branch	3

Designated Positions

Assigned
Disclosure
Categories

COMMUNITY CARE LICENSING DIVISION

Deputy Director, Community Care Licensing	42
Administrative Assistant to the Deputy Director	42
Chief, Policy and Administrative Support Branch	4
Chief, Program and Policy Development Bureau	4
Chief, Administrative Services and Evaluation Bureau	4
Chief, Field Operations Branch	4
<u>Staff Services Manager III</u>	4
Staff Services Manager II	4
Staff Services Manager I	4
<u>Licensing Program Manager</u>	4
Associate Governmental Program Analyst	4
<u>Licensing Program Supervisor</u>	4
Social Services Consultant III	4
<u>Licensing Program Analyst II</u>	4
Social Services Consultant II	4
<u>Licensing Program Analyst I</u>	4
Social Services Consultant I	4
Public Health Nurse II	4
Public Health Nurse I	4
Community Program Analyst II	4
<u>Employment Program Representative</u>	4
<u>Chief, Office of Audits and Investigations</u>	4
Chief, Client Protective Services Branch	4
Chief, County Operations Bureau	4
Chief, Audits and Investigations Bureau	4
Staff Services Manager II	4
Staff Services Manager I	4
General Auditor III	4
General Auditor II	4
Associate Governmental Program Analyst	4
Supervising Special Investigator I	4
Senior Special Investigator	4
Special Investigator I	4
Supervising Governmental Auditor I	4
<u>Staff Services Analyst</u>	4
<u>Hospital Peace Officer II</u>	4
<u>Management Services Technician</u>	4

Designated Positions

Assigned
Disclosure
Categories

PLANNING AND REVIEW DIVISION

Deputy Director, Planning and Review	5
Administrative Assistant to the Deputy Director	5
Chief, Planning and Development Branch	5
Chief, Long Range Planning Bureau	5
Chief, Office of Regulations Development	5
Chief, Public Inquiry and Response	5
Chief, Review and Evaluation Branch	5
Chief, Quality Control Bureau	5
Chief, Internal Audits Bureau	5
Chief, Office of Life Care Contracts	5
General Auditor II	5
Chief, Office of The Deaf/Hearing Impaired	5

MANAGEMENT SYSTEMS AND EVALUATION DIVISION

<u>Deputy Director, Management Systems and Evaluation</u>	<u>2</u>
<u>Administrative Assistant to the Deputy Director</u>	<u>2</u>
<u>Chief, Management Services Branch</u>	<u>5</u>
<u>Chief, Regulations Development Bureau</u>	<u>5</u>
<u>Chief, Management Analysis Bureau</u>	<u>5</u>
<u>Chief, Public Inquiry and Response Bureau</u>	<u>5</u>
<u>Chief, Systems, Fraud and Audits Branch</u>	<u>3</u>
<u>Chief, Systems and Programming Bureau</u>	<u>3</u>
<u>Chief, Systems Analysis and Approval Bureau</u>	<u>3</u>
<u>Chief, Technical Support Bureau</u>	<u>3</u>
<u>Chief, Production Support Bureau</u>	<u>3</u>
<u>Chief, Welfare Fraud and Audits Bureau</u>	<u>5</u>
<u>Chief, Fraud Program Management Unit</u>	<u>5</u>
<u>Chief, Audits Unit</u>	<u>5</u>
<u>Chief, Review and Evaluation Branch</u>	<u>5</u>
<u>Chief, Quality Control Bureau</u>	<u>5</u>
<u>Chief, Northern Region</u>	<u>5</u>
<u>Chief, Southern Region</u>	<u>5</u>
<u>Chief, Operations Assessment Bureau</u>	<u>5</u>
<u>Chief, Northern Region</u>	<u>5</u>
<u>Chief, Southern Region</u>	<u>5</u>
<u>Chief, Field Support Analysis and Procedures Bureau</u>	<u>5</u>

20007. DISCLOSURE CATEGORIES

Category 1

Designated Employees in Category 1 Must Report:

Interest in real property in California, and all investments in and any income from any business entities, or nonprofit corporations, and income received from or other sources in the State of California, doing business within the State of California, planning to do business, or having done business within the State of California within two years prior to any time period covered in a Statement of Economic Interest.

Category 2

Designated Employees in Category 2 Must Report:

Investments in and any income from any business entity, or nonprofit corporation, and any income from a or other source of the type which: a) is subject to a licensure, audit or approval by the Department of Social Services; b) within the previous two years did, or might contract with the State of California or Department of Social Services, a county welfare department, or with the State of California to provide services, equipment, leased space, materials, or supplies to for the State Department of Social Services; or c) provides consultant services to any business entity or nonprofit corporation made reportable by this disclosure category. with respect to Consultants the Director, however, may determine in writing that a particular consultant, although a "designated person" is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this section. Such determination shall include a description, a statement of the extent of disclosure requirements. The Director shall forward a copy of this determination to the Fair Political Practices Commission. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Sources of income and investments in business entities or nonprofit corporations of the type which provide consultant services to any business entity or nonprofit corporation made reportable by this disclosure category.

Category 3

Designated Employees in Category 3 Must Report:

Investments in and any income from any business entity, or nonprofit corporation, and any income from a or other source of the type which: a) within the previous two years did, or might

contract with the State of California or Department of Social Services, a county welfare department, or with the State of California to provide services, equipment, leased space, materials or supplies to the State Department of Social Services; or b) Sources of income and investments in business entities or nonprofit corporations of the type which provides consultant services to any business entity or nonprofit corporation made reportable by this disclosure category.

Category 4

Designated Employees in Category 4 Must Report:

Investments in and any income from any business entity, or nonprofit corporation, and any income from any or other source which: a) is of the type subject to licensure or audit by the Licensing and Assessment Division Community Care Licensing Division of the Department of Social Services; or b) Sources of income and investments in business entities or nonprofit corporations of the type which provides consultant services to any business entity or nonprofit corporation made reportable by this disclosure category.

Category 5

Designated Employees in Category 5 Must Report:

Investments in and any income from any business entity, or nonprofit corporation, and any income from a or other source of the type which: a) is subject to audit, or approval by the Assessment Division Management Systems and Evaluation Division of the Department of Social Services; or b) investments in business entities or nonprofit corporations of the type which provides consultant services to any business entity or nonprofit corporation made reportable by this disclosure category.

(THIS IS THE LAST PAGE OF THE CONFLICT OF INTEREST CODE
FOR THE DEPARTMENT OF SOCIAL SERVICES)

CERTIFICATION OF FPPC APPROVAL

After hearing pursuant to Government Code
§87311 and 2 Cal. Adm. Code §18750, et
seq., the Conflict of Interest Code of the
Dept of Social Services
was approved, without re-
vision, on 4-16-85,
by the Fair Political Prac-
tices Commission.



By: J. L. Linnell

Effective: pursuant to
Government Code 11346.2

FPPC APPROVED ON 4-16-85

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

850510 6
ORD 0485-24

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING
MAY 10 3 09 PM '85
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
JUN 10 1985

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Rosalee Clark
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 10 1985
At 4:24 o'clock P. M.
MARCH FONG EU, Secretary of State
By Cathleen Paluck
Deputy Secretary of State

LEAVE BLANK

Office of Administrative Law
AGENCY CONTACT PERSON AND POSITION
Angie Teixeira, Regulations Analyst

TELEPHONE 323-0884

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 81045

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

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c. DATES OF AVAILABILITY OF MODIFIED
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N/A

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☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
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☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
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- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 81045 to read:

81045 EVALUATION VISITS

81045

(a) In addition to Section 80045, a comprehensive evaluation of each licensed child care center shall be performed as required by Health and Safety Code Section ~~1528.3~~ 1597.09.

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(1) Health and Safety Code Section ~~1528.3~~ 1597.09 requires that evaluations visits be made to one-third of the licensed Child Care Centers each year site visitations to all licensed day care centers shall be made annually.

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FACE SHEET

(OAL-4)

8505070
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD# 1184-59

RECEIVED

MAY 7 1 12 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

JUN 12 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

JUN 12 1985

At 4:05 o'clock P. M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE

445-1878

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED 40-195; 41-440, 441, 442; 42-101, 625, 630, 633, 634, 635, 636,
Manual of 637, 638, 639, 641, 655, 675, 680, 682; 44-101, 111, 206, 301, 303, 350.
Policies and SECTIONS ADOPTED
42-600, 645, 650, 660, 685, 686, 688, 691.
Procedures SECTIONS REPEALED
41-440; 42-600, 610, 644, 645, 650, 651, 652, 676, 677, 678, 685, 691.

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☒ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

February 1, 1985

b. DATE OF ADOPTION OF REGULATION(S)

May 6, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 12, 1985-April 26, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☒ Effective on July 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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(1) Amend Sections 40-195.215, .224, and .226 to read:

40-195 TRANSFER PROCEDURE (Continued)

40-195

.2 Steps Required to Accomplish Transfer (Continued)

.21 First County (Continued)

- .215 If the recipient is work registered, for WIN Demo, the CWD shall send a copy of the Registration and Report form ABEDM 215, listing all individuals in the case who are work registered, to the appropriate Work Incentive (WIN) Program or Employment Services (ES) office where the recipient is registered prior to the transfer to the second county.

40-195 TRANSFER PROCEDURE (Continued)

40-195

.2 Steps Required to Accomplish Transfer (Continued)

.22 Second County (Continued)

- .224 Complete Section "B" of the Form ABEDM 215 and return one copy to the first county. Review WIN Demo participation requirements and refer or defer the WIN Demo registrant in accordance with Section 42-660.
- .226 If the recipient was registered for work in the first county and registration is required for continued eligibility, he/she shall be required to register again in the second county. The CWD shall refer the recipient to the appropriate EDD-JS office with:
 - a. For WIN registrants, a MA 5-95 marked "transfer" (see Section 42-640); or
 - b. For ES registrants, a GEN 827 (see Section 41-441), if such registration is required for continued eligibility.

e- (The new EDD office is responsible for requesting the transfer of all appropriate records from the previous EDD office.)

Authority: welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(2) Repeal Section 41-440.14 and amend .15 to read:

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued) 41-440

14 The requirements of Sections 41-440, 41-441 and 41-442 apply to all parents who establish the basis of deprivation due to unemployment whether included or excluded from the FBU.

15 The following are definitions of words as used in this section (in alphabetical order).

(a) AFDC-U Parent -- The parent who establishes a deprivation on the basis of unemployment. The parent can be included or excluded from the FBU.

(b) Cause Determination -- A determination made that an AFDC-U parent either did or did not have a good reason for failure or refusal to meet program requirements.

(c) EDD-EJS -- Employment Development Department, Employment Job Services section. That section of EDD which registers the non-WIN AFDC-U parent for employment or employment-related services.

(d) Exempt AFDC-U Parent -- The AFDC-U parent who is not required to register with either WIN or EDD-EJS for employment or employment-related services pursuant to Section 41-440.24.

(e) IMU -- Income Maintenance Unit. That unit within the county welfare department which makes eligibility and grant determinations.

(f) Nonexempt AFDC-U Parent -- The AFDC-U parent who is required to register for WIN or EDD-EJS pursuant to Section 41-440.24.

(g) Non-WIN AFDC-U Parent; Principal Earner --

(1) Any AFDC-U parent residing in a non-WIN county.

(2) If residing in a WIN county:

(a) (1) The federally eligible AFDC-U parent exempt from WIN Demo registration due to remoteness.

(e)(2) The nonfederally eligible AFDC-U parent.

(d) Any AFDC-U parent excluded from the FBU.

(h) WIN AFDC-U Parent -- The AFDC-U parent residing in a WIN county who is required to register for WIN as a condition of eligibility.

See Section 42-600.63 for additional definitions applicable to the WIN Demo program.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(3) Amend Sections 41-440.24 and .25 to read:

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued) 41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment (Continued)

.24 The federally eligible principal earner shall be work registered with the Employment Development Department unless exempt under Sections 42-633, 634, 635, 637, 638 and 640 ~~630.3, 34, 35, 37, 38, or 39~~. The nonfederally eligible principale earner ~~AFBE-U~~ parent shall be registered with EDD-ES JS unless exempt under Sections ~~42-630.3, 34, or 35~~ 42-633, 634, and 635.

.241 For ~~the~~ the principal earner, whether included or excluded from a federally eligible assistance unit, shall be registered with nonexempt WIN ~~AFBE-U parent, this requirement is met by registration for WIN Demo unless exempt under Section 42-630. See Section 42-644650 for procedures.~~

.242 For the non-WIN principal earner, AFBE-U parent, who is also a nonexempt ~~AFBE-U parent,~~ this requirement is met by registering and maintaining registration with EDJ-JS, the Employment Services Section of ~~EDD,~~ EDD-ES. See Section 41-441.1 for procedures.

.25 The nonexempt ~~AFBE-U~~ parent federally eligible principal earner shall cooperate with meet the requirements of the Employment Development Department WIN Demo Program, and shall either: (a) be available for and seeking employment, or (b) be accepted for or participating in a training program which is essential to future self-support, and which is approved by ~~EDD~~.

This requirement is met as follows:

.251 For the WIN ~~AFBE-U~~ parent + The requirement is met by the parent's cooperation with and fulfilling the requirements of the WIN program.

.252.26 For ~~the~~ The Non-WIN AFBE-U parent principal earner shall: The requirement is met by the following:

(a).261 Accepting a bona fide offer of employment.

~~(b)~~262 Continuing existing employment.

~~(e)~~263 Participatione in employment related training approved or provided by EDD.

~~(e)~~264 Appearing for interviews with an employer arranged by EDD-ESJS.

~~(e)~~265 Reporting to EDD-ESJS when called in by EDD-ESJS.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(4) Repeal Section 41-440.3.

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued) 41-440

§3 Requirement for Certification

- §31 A WIN AFDC-U parent must be appraised and certified to WIN within 30 days from the receipt of aid. (See Section 42-677-21.) Receipt of aid is defined as the date authorizing action was taken or the effective date of aid, whichever is later.
- §32 Failure to certify by the county results in the county losing federal and state participation in the aid payment starting the 31st day after the receipt of aid.
- §33 Failure by the county to certify shall not jeopardize the recipient's aid payments.
- §34 The certification requirement does not apply in non-WIN counties, nor does it apply to the non-WIN AFDC-U parents.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(5) Amend Sections 41-440.42, .43; repeal .44; amend and renumber .45, .46, .48, and .49.

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued) 41-440

.4 Conditions to be Met for Federal Participation in Payments to AFDC-U Families (Continued)

.42 The AFDC-U parent principal earner shall be registered for WIN or with EDD-EJS unless exempt pursuant to Section 41-440.24.

.43 The principal earner, including those being considered for transfer from Refugee Cash Assistance or Entrant Cash Assistance to AFDC-U, shall have established a connection with the labor force:

.431 By meeting either of the requirements of a., b., or c. below in six calendar quarters within any 13-calendar-quarter period which ends within one year before the date of application; see 41-440.433 below:

a. Earned a gross of at least \$50 during the quarter; or

b. Participated during the quarter in any activity administered under either or both any of the following:

(1) The Work Incentive Program (WIN)

(2) The Work Incentive Demonstration Program (WIN Demo)

(3) The Community Work Experience Program (CWEP); or

c. A combination of a. and b. OR

.432 By receiving, or being eligible to receive, unemployment insurance benefits within one year before application. The words "being eligible to receive," as used in this section mean that:

a. The parent would have been eligible to receive unemployment compensation upon filing application, or

- b. The parent performed work not covered by Unemployment Compensation Law and such work, if it had been covered, would (together with any covered work he/she performed) have made him/her eligible to receive unemployment compensation upon filing application.
- .433 The date of application for determining federal eligibility is either: the date of application for federal AFDC benefits on the basis of unemployment of the principal earner parent, or the date of a status change when a family's circumstances have changed in such a way (e.g., a parent returns to the home, a parent is no longer incapacitated, or the principal earner parent acquires sufficient quarters) as to meet the federal requirements for deprivation due to unemployment of the principal earner parent. The quarter in which application is made or status change occurs shall not be counted as one of 13 calendar quarters.
- .434 If an applicant cannot establish a connection with the labor force by receiving or being eligible to receive UIB (see Section 41-440.432), the applicant's sworn statement, signed under penalty of perjury, will be sufficient for earnings information or participation in training programs listed in Section 41-440.431.
- .44 There is no federal or state participation for any period from the 31st day after receipt of aid until the federally eligible AFDC-U parent is certified to WIN. This requirement applies only to the WIN AFDC-U parents. It does not apply in non-WIN counties nor does the requirement apply to non-WIN AFDC-U parents.
- .454 The AFDC-U parent principal earner shall not have refused to apply for and accept any unemployment insurance benefits (UIB) to which he or she is entitled.
- .465 The AFDC-U parent principal earner shall have been unemployed for at least 30 consecutive calendar days.
- .486 He/she is not unemployed as a result of his/her participation in a strike, as defined in Section 44-206.2(b)(2).
- .497 If the applicant meets all the requirements of Section 41-440 except .43 and/or .46, the family shall be aided

under the Emergency Assistance Program in accordance with the provisions and limitations of Chapter 41-500.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(6) Amend Sections 41-441 Title, .1, .2, and .3 to read:

41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATIONS 41-441
WITH EDD-EJS

.1 Referrals to EDD-EJS

- .11 All principal earners not required to register for WIN Demo shall register for EDD-EJS as a condition of eligibility unless exempt from WIN Demo under Section 42-630.3, .4, .5, .7, .8, or .10. (See Section 41-440.24). The procedures and provisions in Sections 41-441 and 41-442 are not applicable to the exempt principal earner.
- .12 The non-WIN principal earner AFBE-U parent is referred using a referral form, and a BE 2451, "Applicant Assessment Form."
- .13 Complete the referral form in triplicate, retain one copy, and attach the others to the BE 2451, instruct the AFBE-U parent principal earner to complete the BE 2451 and take the form to the nearest EDD-EJS office.
- .14 The parent will be registered by EDD-EJS and given an identification card (DE 1275 or DE 1275V). The referral form will be completed by the EDD-EJS worker and the AFBE-U parent principal earner instructed to mail or take one copy of the referral form back to the welfare department.
- .15 If the AFBE-U parent principal earner has completed a prior registration with EDD-EJS, he/she must still be referred to EDD-EJS. The referral is accomplished by completion of the referral form which the AFBE-U parent principal earner will take to the EDD-EJS office. A BE 2451 is not required. His/her DE 1275 or DE 1275V will be updated, the referral form completed and the AFBE-U parent principal earner instructed to mail or bring the referral form back to the welfare department.
- .16 The completed referral form is to be retained in the case record as documentation of the registration.
- .17 If a WIN AFBE-U parent is deregistered from WIN, a referral under this section is not required. See Section 42-652.2 for the procedures that apply.

.2 Communications From EDD-EJS

•21 EDD-EJS will notify the county welfare department when the non-WIN AFDC-U parent principal earner:

•211 Refuses an offer of employment;

•2212 Fails to appear for an interview with an employer;

•2313 Fails or refuses to respond to EDD call-in;

•2414 Refuses a referral to an interview with an employer;

•2515 Fails to maintain current registration.

•3 County Welfare Department Actions on the Communications
Regarding Non-WIN Principal Earners

•31 Refusal of an offer of employment:

When the CWD is notified that the individual has refused an offer of employment, the IMU must make a cause determination as outlined in Section 41-442.11. If the refusal was without good cause, the penalties in Section 41-442.2 will apply.

•32 Failure to maintain current registration:

•321 The non-WIN AFDC-U parent principal earner is required to maintain current registration through regular contacts as required by EDD-EJS. This contact period required by EDD-EJS varies from one contact every 30 days to not less than one contact every 90 days depending on local employment conditions. In no event will the AFDC-U parent principal earner be required to report more or less frequently than is required by EDD-EJS standards for all EDD-EJS registrants in that local community.

•322 The requirement of the non-WIN AFDC-U parent principal earner to maintain current registration is an absolute requirement. A good cause determination is not made.

•323 Eligibility is reestablished when the non-WIN AFDC-U parent principal earner reregisters.

•33 When an AFDC-U parent principal earner fails to appear for an interview with an employer, fails or refuses to respond to EDD-EJS call-in, or refuses a referral to an

interview with an employer, EDD will notify the county welfare department.

The IMU must determine whether the non-WIN AFDC-U parent principal earner had good cause for the refusal or failure to appear using the criteria under Section 41-442.13.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11347; and 42 USC 645.

(7) Amend Section 41-442.12 to read:

41-442 CAUSE DETERMINATIONS AND PENALTIES (Continued) 41-442

- .12 For the WIN Demo AFBE-U parent principal earner all cause determinations are shall be made by the local WIN staff. The good cause determinations of local WIN staff may be appealed to the California Unemployment Insurance Appeals Board. Such determinations are not reviewable by the Department of Social Services (see Section 22-001-122) in accordance with Section 42-688.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(8) Amend Section 42-101.11 to read:

42-101 AGE REQUIREMENT

42-101

- 1 A child meets the age requirement for AFDC eligibility until his/her 18th birthday. A child 18 years of age may be eligible if the requirements in Section 42-101.2 are met.
- 11 See Section 42-6302 for WIN Demo program requirements for children 16 and 17 years of age.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(9) Repeal Sections 42-600.1 through .6.

42-600 INTRODUCTION TO WIN

42-600

.1 Background

The Work Incentive Program (WIN) was created by the 1967 amendments to the Social Security Act, Title IV, Part C, approved January 2, 1968, as Public Law 90-245. The program was subsequently changed December 28, 1971 by Public Law 92-223, often referred to as the Talmadge Amendments.

The major change between the original program and the Talmadge Amendments of 1971 was the change in emphasis from the training of individuals for employment to the immediate employment of the individual whenever possible.

.2 Administration

The WIN Program is jointly administered at the national level and the regional level by the Department of Labor and the Department of Health, Education, and Welfare through National and Regional Coordinating Committees.

There are three operational components at the local level: (1) the Income Maintenance Unit (IMU), which is responsible for the exemptions and referrals and the grant actions; (2) the Separate Administrative Unit (SAU), which is responsible for appraisal, certifications and supportive services; and (3) the Local WIN sponsor, which is responsible for the registration, appraisal, placement and manpower service aspects of the program.

The local WIN sponsor is the EDD field office supervised by the regional office. Program administration is provided through the State Employment Development Department.

The IMU and SAU are supervised by the local welfare department.

The State supervising agency is the Department of Benefit Payments. IMU program administration is provided through the AFDC Program Management Branch. The services program is administered through the State SAU.

The State SAU administers the WIN Program jointly with the counterpart manpower agency (State EDD) and performs the following functions:

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- 21 Advises and gives technical assistance to the local SAUS in their development of local WIN plan;
- 22 Reviews and approves the local WIN plans and incorporates them into a comprehensive State WIN plan;
- 23 Insures that the legislative requirement of the certification of at least 15 percent of the number of mandatory registrants in the State is being met;
- 24 Monitors and evaluates local WIN supportive services to assure that Federal and State requirements are met, and to insure that services are provided on a timely basis;
- 25 Provides continuing technical assistance, training, and staff development to all levels of WIN operations within the State;
- 26 Provides local SAUS with information on those supportive services program developments which have been found to be effective;
- 27 Provides for other administrative functions necessary for program operation and control, and to meet federal requirements, including budget, fiscal, personnel, and reporting.

•3 Purpose of the WIN Program

The goal of the WIN program is to remove individuals from AFDC by offering them incentives, opportunities and necessary services, which provide for (1) the employment of individuals in the regular economy; (2) the training of individuals for work in the regular economy, and (3) the participation of individuals in public service employment. It is expected that the individuals participating in the program will acquire a sense of dignity, self worth and confidence.

•4 Counties in which WIN Operates

Pursuant to Section 432(a) of the Social Security Act, the Work Incentive Program operates in each political subdivision of a state in which the Secretary of Labor determines that there is a significant number of individuals who have attained age 16 and are receiving Aid to Families with Dependent Children.

In California, WIN has been established in the 31 California counties, which together, contain approximately 97 percent of the AFDC population.

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•5 Individuals Served by WIN

- 51 WIN serves federally eligible AFDC individuals who reside in WIN counties and who are not excluded under these regulations;

Persons excluded are:

- 511 All individuals residing in non-WIN counties.

As a result, the above individuals are not required to accept WIN as a condition of AFDC eligibility. No determination of exemption is required. (AFDC-U parents do have employment requirements, however, which are found in Section 41-440.)

- 512 Individuals not applying for or receiving AFDC; (such as Indo-Chinese and Cuban Refugees, and GA applicants).

- 513 Individuals excluded from the AFDC-FBU;

- 514 Individuals who are not federally eligible.

- 52 All other AFDC recipients must meet the WIN requirements. This means that if they are not exempt, they must register for and cooperate with WIN.

- 53 If the individual is an applicant, this is practically applied as follows:

- 531 For all AFDC applicants residing in a WIN county, determine whether he/she is exempt and if not, refer for WIN registration except:

- (a) A nonfederally eligible AFDC-U parent;

- (b) (Has been deleted.)

- (c) A parent or child to be excluded from the FBU when this is known at the time of application (such as the parent or child receiving SSI).

- 532 If the applicant is subsequently found to be not eligible to the WIN program because of any reason (aid denied, he/she is not federally eligible, the individual is excluded from the FBU), WIN is notified by the IMU and that individual

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deregistered by WIN. (See Section 42-652.2 if the applicant is an AFDC-U parent.)

- .533 If the applicant will not be federally eligible on the beginning date of aid because the AFDC parent has not been unemployed for 30 days, refer the individual to WIN for registration. When notifying WIN that AFDC has been granted, indicate current nonfederal eligibility and the expected date of federal eligibility. (See Section 42-652.15.)

•6 Definitions Used in this Chapter (Alphabetical Order)

Applicant -- All individuals in a family applying for AFDC benefits and who reside in a WIN county.

(1) Applications include requests for restoration.

(2) Requirements for applicants apply to requests for the addition of individuals to an AFDC-FBU.

Appraisal -- The interview of a WIN registrant by WIN sponsor staff and SAU staff to determine the need for manpower and supportive services and to develop an employability plan.

Certification -- A written notice from the SAU that necessary supportive services have been arranged for or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are required and that the individual is at that time ready for employment or training.

COD -- Career Opportunity Development. Where regulations refer to OJT, COD is included.

Component -- One of the manpower services to which a certified registrant is assigned, such as orientation, Intensive Manpower Services (IMS), institutional training, work experience training, WIN/OJT, WIN/COD, or WIN/PSE, suspense to CETA, or suspense to other.

Deregistration -- The removal of an individual from the WIN Program.

Employability Plan -- A written plan for a WIN registrant that sets forth the registrant's occupational goal and the manpower and supportive services necessary for him/her to reach that goal.

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Exempt -- An AFDC applicant or recipient who is not required to register for the WIN program as a condition of eligibility for AFDC.

Income Maintenance Unit (IMU) -- That function of the county welfare department funded through Income Maintenance sources of funding.

Institutional Training -- Vocational or other classroom training conducted by an instructor in a nonworksite setting.

Local Operating Plan -- The plan developed jointly by local WIN personnel and that county which describes the operation of the WIN Program for that area.

Local WIN Sponsor -- The local EDD office providing WIN registration and manpower services.

Mandatory Registrant -- An AFDC applicant or recipient required to register for WIN as a condition of eligibility for AFDC.

Manpower Services -- Employment related activities and training provided by the WIN sponsor, designed to improve the work skills of an individual and aid him/her in finding employment.

OJT -- On-the-Job Training -- A component in which certified registrants receive skill training. The WIN registrant is hired by a private or public employer and is provided skill training under contract with the employer.

Participant -- A certified registrant assigned to a WIN component.

PSE -- Public Service Employment -- A component which provides employment with public or nonprofit private agencies for individuals who cannot be placed in regular unsubsidized employment.

Recipient -- An individual residing in a WIN county included in an AFDC-FBU who is eligible for AFDC benefits on a federal basis.

Registrant -- An AFDC applicant or recipient, mandatory or volunteer, who has completed WIN registration. The registrant may or may not be a participant. He/she may or may not be certified.

Registration -- Process whereby an AFDC applicant or recipient registers with the WIN sponsor, completes a work

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history and agrees to the requirements of the program by signing a completed registration card.

Sanctions -- Procedures applied when the registrant fails to appear for appraisal or refuses or fails to participate in the WIN program without good cause.

SAU -- Separate Administrative Unit -- A unit set up by the local welfare department which provides supportive services to the registrant.

Staff Services -- Supportive services provided by the SAU staff. Includes the provision of the service such as counseling or the SAU staff time spent in arranging for the service from a different source.

State SAU -- Separate Administration Unit -- That unit of the Department of Benefit Payments established to administer the supportive services and perform related activities.

Subsidized Employment -- Refers to WIN/OJT, and WIN/PSE and those in CETA/OJT and CETA/PSE.

Supportive Services -- Those Social Services necessary to enable an individual to engage in employment, training or other manpower programs. These services are provided through staff services or purchased services.

Training Related Expenses (TRE) -- Those expenses reimbursable from WIN manpower funds that are incurred by individuals participating in specified WIN Program components.

Unsubsidized Employment -- All other employment other than subsidized.

Volunteer Registrant -- An AFDC applicant or recipient who, though exempt, volunteers and registers for WIN.

WIN Incentive Payment -- A cash payment of up to \$30 per month paid by WIN manpower funds to an individual who is participating in an institutional or work experience component.

WIN Manpower Funds -- Funds paid by the local WIN Sponsor for certain training and work-related expenses.

WIN Purchased Service -- A supportive service which is provided by someone other than the SAU worker, such as a child care center or private counseling agency, and which is

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paid for from WIN supportive service funds or provided under a contract using Title IVc funding.

WIN Sponsor -- The State Agency (EOD) which administers the WIN manpower program.

WIN Supportive Service Funds -- welfare Administrative funds used to pay for WIN purchased services.

Work-Related Expenses (WRE) -- Those expenses reimbursable from WIN manpower funds that are incurred by individuals participating in specified WIN program components.

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Authority: welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(10) Adopt Sections 42-600.1, .2, and .3 to read:

42-600 INTRODUCTION TO THE WORK INCENTIVE DEMONSTRATION PROGRAM (WIN DEMO) 42-600

.1 Background

The Work Incentive Program (WIN) was created by the 1967 amendments to the Social Security Act (Title IV, Part C, approved January 2, 1968, as Public Law 90-245) to provide for training and employment of AFDC recipients. The training and employment aspects of the program were managed by the U.S. Department of Labor through state departments of employment. The primary focus of the program was to remove barriers to employment of AFDC-U parents by providing required supportive services to permit training necessary to secure employment.

In 1971, the Social Security Act was amended (Talmadge Amendments approved December 28, 1971, Public Law 92-223) to shift the focus of WIN from job training to achievement of immediate employment of AFDC recipients. Program responsibilities were divided between field offices of the State Employment Development Department (EDD) (registration, appraisal, placement, and job services) and county welfare departments (CWD) (referrals, exemptions, grant actions, appraisals, certifications, and supportive services).

In 1981, the Social Security Act was again amended (Public Law 97-35, Section 445 of SSA (42 USC 645)) to provide for a WIN Demonstration program as an alternative to the regular WIN program. The purpose of this alternative is to permit states to demonstrate the effectiveness and advantages of WIN program administration by a single agency, the state welfare agency. In 1984, the State Department of Social Services (SDSS) received federal approval for implementation of the WIN Demo program in California for a three-year period. AB 861 (Chapter 522, Statutes of 1984) is the state enabling legislation which added Article 3.8 Work Incentive Demonstrative program, Welfare and Institutions Code Section 11347, to state law.

.2 Program Requirements

Requirements for exemptions and sanctions of the regular WIN program remain in effect under WIN Demo. The major changes resulting from the implementation of the WIN Demo program are as follows:

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- .21 Federal funding comes directly to SDSS rather than EDD.
- .22 Program administration and reporting responsibilities shift from EDD to SDSS.
- .23 SDSS contracts with EDD to provide employment and training services such as employment search activities, job placement and referral to other appropriate employment and training services.
- .24 The CWD is responsible for some of the operational activities formerly done by EDD staff. These activities include registration, selection for EDD participation, follow-up on registrants not under EDD supervision and deregistration.
- .25 Supportive services are arranged for or provided by the CWD before selected registrants report to EDD for employment search activities.
- .26 Both CWD and EDD staff handle cause determinations and conciliation depending on which agency is responsible for the recipient's WIN participation at the time of the failure to cooperate.
- .27 All WIN Demo appeals are conducted by SDSS through the state hearing system.

.3 Definitions Used in This Chapter

- (a) "Certification" means the CWD worker has determined that supportive services are not necessary or have been provided or arranged for in order for the registrant to participate in EDD employment search activities and components. Certification is documented on the form referring the registrant to EDD or by any other notation in the WIN Demo record which is available to both EDD and CWD.
- (b) "Component" means a structured, regularly scheduled EDD-supervised employment activity for registrants such as DJT, institutional training, and work experience, but not employment search activities.
- (c) "Conciliation" means a process through which a recipient who has failed or refused to cooperate, without good cause, is given a second opportunity to cooperate with WIN Demo requirements. The WIN Demo staff must exhaust efforts to resolve disputes between the staff and the registrant who is refusing to participate in the program without good cause.

- (d) "Cause Determination" means a decision by CWD or EDD staff as to whether a registrant had an acceptable reason for refusal or failure to cooperate with WIN Demo requirements.
- (e) "Deferred Registrant" means a registrant who is not selected by the CWD for EDD employment search activities in accordance with deferral criteria.
- (f) "Deregistration" means the removal of an individual from WIN Demo.
- (g) "Employability Plan" means a written plan which sets forth the registrant's occupational goal and the activities the individual must engage in to achieve that goal.
- (h) "Employment Development Department" is the state agency responsible for providing employment and training services to AFDC applicants and recipients. EDD WIN Demo staff provide registrants with employment search activities, job placement and referral to other appropriate employment and training services. EDD Job Services (JS) staff register non-WIN applicants and recipients and provide placement services.
- (i) "Employment Search Activities (ESA)" means structured job search activities for registrants which include: (1) training provided individually or in groups (job search workshops) in the skills necessary to look for, obtain and keep unsubsidized employment; and, (2) an EDD-supervised job search.
- (j) "Exempt" means that an AFDC applicant or recipient is not required to register for the WIN Demo program as a condition of eligibility.
- (k) "Institutional Training" means vocational or other classroom training conducted by an instructor in a nonworksite setting.
- (l) "On-The-Job-Training (OJT)" means a component in which a registrant receives skills training. The registrant is hired by an employer and provided job skill training under contract with the employer.
- (m) "Purchased Services" means supportive services which are arranged and paid for by the CWD using WIN Demo supportive services funds.

- (n) "Registrant" means an AFDC applicant or recipient who is registered for WIN Demo.
- (o) "Registration" means the process whereby an AFDC applicant or recipient registers at the CWD for WIN Demo.
- (p) "Sanctions" means the discontinuance of aid for a registrant, and sometimes the entire assistance unit, when the registrant fails or refuses to cooperate without good cause.
- (q) "Staff Services" means those supportive services provided directly by CWD staff, including counseling, family planning, and staff time spent in arranging for the purchase of necessary services.
- (r) "Subsidized Employment" means an assignment in which the registrant's employer is reimbursed for wages, supervision, and training costs.
- (s) "Supportive Services" means those staff and purchased services which are provided or arranged for by the CWD worker to enable a registrant to participate in employment search activities and components.
- (t) "Training Related Expenses (TRE)" means those expenses paid by EDD to registrants participating in employment search activities and certain components.
- (u) "Unsubsidized Employment" means all employment other than subsidized employment.
- (v) "Volunteer" means an AFDC applicant or recipient who, though exempt from registration, voluntarily registers for WIN Demo.
- (w) "Work Experience Training" means a clearly defined, well-supervised assignment with a public or nonprofit employer which assists the registrant to develop basic work habits, practice skills and acquire on the job experience.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 11347;
42 USC 602(a)(19)(G)(ii) and 42 USC 645; 45 CFR

Sections 224.1, 224.22(d), 224.30, 224.41, and
224.63(a).

(11) Repeal Section 42-610.

42-610 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES

42-610

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.1 The County Welfare Department Shall:

- .11 Establish a Separate Administrative Unit (SAU) in all counties in which EDD operates a WIN program.
- .12 Assure that the SAU to the maximum extent possible provides functions only in connection with the WIN program.
- .13 Develop necessary procedures and establish administrative controls to assure that the IMU and SAU carry out the responsibilities outlined in this chapter.
- .14 Assure the continuous planning, coordination and cooperation between the County Welfare Department and the local WIN sponsor.

As part of this responsibility, the County welfare Department shall appoint an official representative(s) to maintain liaison and coordination with the local WIN sponsor, assure interagency cooperation, clarify policies and procedures and resolve problems related to such issues. Such representatives should be above the case-carrying level and high enough in the administration to make decision promptly.

- .15 Arrange for staff training.
- .16 Develop and carry out in conjunction with the local WIN sponsor, the local operating plan (LOP).
- .17 Assure that the WIN savings summary report is prepared accurately and completely.
- .18 Collect and report other data as required.
- .19 Perform other administrative functions, such as those related to fiscal and statistical reporting and budgeting.

.2 The Local Operating Plan (LOP)

- .21 Development of the LOP

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- 211 Each local WIN sponsor and each county welfare department shall develop jointly an annual local WIN plan for their area after consulting with other agencies as appropriate.
 - 212 Both the local WIN sponsor agency and the county welfare department shall jointly review and approve the local plan before forwarding it to the State WIN sponsor and the State SAU.
- 22 Content of the LDP
 - 221 The plan shall describe the local project's operation, the supportive services to be provided and the registration, appraisal and certification procedures.
 - 222 The plan should describe linkages with other activities that operate in the local project's area, such as CETA, Title XX and vocational rehabilitation.
- 23 The LDP shall be submitted in the format prescribed by the State.

•3 Colocation

To best serve the interest of the applicant and recipient as well as the interest of the county and WIN sponsor, it is essential that the county and the local WIN sponsor cooperate and coordinate their activities.

Optimal cooperation and coordination can best occur when the staffs are colocated. If colocation is not possible, other alternatives for the location of staff which are available to the county and local WIN sponsor include, but are not limited to the following:

- (a) The county can colocate SAU staff or IMU staff at the WIN registration point.
- (b) The county can outstation SAU and/or IMU staff on a rotational basis with WIN staff at the registration location.
- (c) The WIN sponsor can outstation staff at the County Welfare Department along with the IMU and SAU staff in order to complete registration, joint appraisal and certification at the location of the eligibility interview.

If the county and local WIN sponsor elect not to colocate or outstation staff, the county must assure that the recipient's best interest are served.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 545.

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(12) Amend Section 42-625 to read:

42-625 WIN DEMO REGISTRATION AS A CONDITION OF AFDC 42-625
ELIGIBILITY

.1 All AFDC applicants and recipients are required to register for WIN Demo as a condition of eligibility unless they are exempt. Essential persons are required to register for WIN Demo as a condition for inclusion in the assistance unit. Principal earners who are excluded from the assistance unit are required to register for WIN Demo to establish federal eligibility for the assistance unit to which they are related (see Section 42-660.3 for deferral criteria).

The IMU is responsible for making the determination of whether the individual is required to register or whether he/she can be exempted from the requirement to register.

.11 When the assistance unit will not be federally eligible on the beginning date of aid solely because the principal earner has not been unemployed for 30 days, the principal earner shall be registered for WIN Demo.

.2 An individual in the AFDC assistance unit shall be exempt from WIN Demo when he/she meets any of the criteria specified in 42-631 through 42-641.

.21 The principal earner who is exempt from WIN registration due to remoteness shall register with EDD-JS. If the principal earner is exempt from WIN registration due to reasons other than remoteness, he/she is not required to register with WIN Demo or EDD-JS.

.3 AFDC applicants and recipients who are exempt from registration shall have the option to register with WIN Demo on a voluntary basis.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 11310 and 11347; 42 USC 602(a)(19)(A), 42 USC 607(b)(2)(C)(i), and 42 USC 645; 45 CFR Sections 224.20(a), (b), (c)(4), 233.10(a)(1), 233.20(a)(2)(vi), and 233.100(a)(5)(i).

(13) Amend Section 42-630.9 to read:

42-630 EXEMPTIONS SUMMARIZED

42-630

An individual is exempt from registration when he/she is: (Continued)

- 9 The caretaker parent or other caretaker relative of a child who is deprived of parental support or care due to the death, continued absence from the home, or physical or mental incapacity of a parent, when another adult relative in the assistance unit is WIN registered and has not refused to participate in WIN Demo or to accept employment without good cause (Code 09).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(14) Amend Sections 42-633.1, .23, and .231 to read:

42-633 EXEMPTION BASED ON ILLNESS OR INJURY (CODE 03) 42-633

.1 The Exemption

An individual who has an illness or injury is exempted from WIN Demo registration when the IMH worker CWD determines that the illness or injury is serious enough to temporarily prevent the individual's entry into employment or training.

An individual who is able to work part time, but unable to work full time because of his/her illness or injury is included in this exemption.

.2 Documentation

This exemption is documented by any of the following:

- .21 Any of the evidence listed under Section 42-635.2 for incapacity (Code 05) will support an exemption based on illness (Code 03).
- .22 Any of the evidence listed under 42-635.21 for incapacity (Code 05) which is complete except that it fails to indicate a duration of the condition or where the duration of the condition is unknown will support an exemption based on illness (Code 03).
- .23 In addition, an individual may be exempted based on Code 03 based on the IMH worker's CWD's observation when there is a sound basis for the observation and exemption.
 - .231 The IMH CWD worker must sign and date a statement for the case record describing the observation which led to the exemption.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(15) Amend Section 42-634.1 to read:

42-634 EXEMPTION BASED ON AGE 65 OR OLDER (CODE 04) 42-634

.1 The Exemption

All individuals age 65 or older are exempted from WIN Demo registration.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(16) Amend Section 42-635.1 to read:

42-635 EXEMPTION BASED ON INCAPACITY (CODE 05)

42-635

•1 The Exemption

An individual is exempt from WIN Demo registration based on incapacity when it is verified that: (a) the individual has a physical or mental impairment which by itself or in conjunction with age prevents the individual from engaging in employment or training; or (b) the individual is pregnant.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(17) Amend Sections 42-635.5, .51, .511 and .512 to read:

42-635 EXEMPTION BASED ON INCAPACITY (CODE 05) (Continued) 42-635

.5 Difference Between Exemptions Based on illness (Code 03) and Those Based on incapacity (Code 05)

.51 The distinction between the illness and incapacity exemption is primarily based on the duration of the individual's condition as indicated by medical documentation. In the review of the exemption, a Code 03 exemption must be reviewed every 30 days. In general, it will be used if the exemption is based on worker's observations or

.511 Where the duration of the individual's condition is short term or where the duration of a condition is unknown, the code 03 exemption shall apply.

.512 A Code 05 on the other hand will be used for permanent incapacity or when the duration of the individual's condition is certain and a review in 30 days would be unnecessary permanent or of known duration, the code 05 exemption shall apply.

The important consideration is not whether an exemption is to be under illness or incapacity, but that the condition is adequately documented in the case record and reviewed in a timely manner.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553; and 45 CFR 224.20(b)(3) and (4).

(18) Amend Sections 42-636.1 and .2 to read:

42-636 EXEMPTION BASED ON REMOTENESS (CODE 06)

42-636

.1 The Exemption

An individual is exempt when he/she is residing in a location which is so remote from a WIN office or WIN Demo services unit that his/her effective participation in WIN Demo is precluded.

- .11 An individual shall be considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of the time necessary to transport children to and from a child care facility, would be required for a normal work or training day, unless normal round trip commuting time in the area is more than two hours.
- .12 If a normal round trip commuting time is more than two hours, the round trip commuting time shall not exceed the generally accepted community standards. The county welfare department is responsible for defining that standard.
- .13 An individual shall be considered remote if he/she is residing in a non-WIN Demo county.

.2 Documentation

This exemption is documented by the IMH CWD worker's statement explaining the reasoning of the exemption (i.e., distance or time required to travel to and from the registration point, the availability of transportation, etc.).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(19) Amend Section 42-637.22 and .33 to read:

42-637 EXEMPTION BASED ON CARE OF ANOTHER INDIVIDUAL 42-637
 IN HOUSEHOLD (CODE 07) (Continued)

•2 Documentation (Continued)

- 22 The ~~IMH~~ CWD determination that the individual requesting exemption is the most feasible person to render the care.

•3 Review

Review this exemption at:

- 31 The annual reinvestigation, and
- 32 The time the individual's condition is expected to end if the expected duration of the condition is less than a year, or
- 33 When the ~~IMH~~ CWD believes there has been a change in the recipient's circumstances that would affect the exemption.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 usc 645.

(20) Amend Section 42-638.1 to read:

42-638 EXEMPTION BASED ON THE CARE OF A CHILD UNDER SIX (CODE 08) 42-638

•1 The Exemption

The parent or other caretaker relative of a child under age six who is personally providing full-time care for the child with only very brief and infrequent absences from the child is exempt from WfN registration.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(21) Amend Section 42-639.2 to read:

42-639 EXEMPTION BASED ON THE WIN DEMO REGISTRATION OF 42-639
ANOTHER INDIVIDUAL IN HOUSEHOLD (CODE 09) (Continued)

•2 Documentation

This exemption is documented by a copy of the completed MA
5-95 or the WIN Demonstration Registration and Report form
showing the WIN registration of the another adult relative.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: welfare and Institutions Code Sections 10553 and
11347; and 42 USC 645.

(22) Amend Section 42-641.1 and .2 to read:

42-641 EXEMPTION BASED ON WIN DEMO REGISTRATION OF THE 42-641
PRINCIPAL EARNER (CODE 11)

•1 The Exemption

The parent of a child who is deprived of parental support or care due to the unemployment of the principal earner, is exempt when the principal earner is not exempt under one of the other WIN exemptions (Code 11).

•2 Documentation

This exemption is documented by a copy of the WIN Demonstration completed MA 5-95 Registration and Report form showing the WIN registration of the principal earner.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(23) Repeal Sections 42-644.1 through 4.

42-644 REFERRAL FOR REGISTRATION

42-644

.1 Requirement to Register

All individuals who are not exempted under the criteria above are required to register for WIN.

.2 Referral for Registration

.21 The IMU shall refer such nonexempt individuals along with any individuals who volunteer for WIN registration.

.22 The referral is made on Form MA 5-95, and must include written information to the individual of the location where the registration is to occur.

.3 Registration

Actual registration is a process completed by the WIN sponsor and consists of the completion of a work history and notification of the nature of the WIN Program and the recipient's rights and responsibilities under the program. The WIN sponsor is required to register all individuals when they appear so as to not delay eligibility determination.

The WIN sponsor provides proof of registration to the individual by completion of the MA 5-95.

.4 Documentation

The WIN registration is documented by the completed MA 5-95.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

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(24) Repeal Section 42-645.

42-645 WIN IN RELATION TO OTHER ELIGIBILITY FACTORS

42-645

.2 Relationship of WIN Registration to Deprivation Due to Unemployment

See Section 41-440 for deprivation due to unemployment.

.21 A principal earner may be exempt from WIN registration. However, the principal earner who is exempt from WIN registration under Section 42-630.1, .2, or .6 shall register with EDD-ES. If exempt for other reasons, the principal earner is not required to register with WIN or EDD-ES. (See Section 41-440.24.)

.22 If the AFDC-U parent is not exempt from WIN registration, registration with WIN and cooperation with WIN satisfies the requirements found in Section 41-440 that the AFDC-U parent must be registered and either in training or available for and seeking work.

.23 Should the AFDC-U parent become deregistered because his status moves from federal to nonfederal, the parent will be registered with the regular EDD-ES section by the WIN section and the parent notified by the IMU. (Section 42-652.2 for the procedures to be followed.)

.3 Relationship of Exemption from WIN Registration and the Deprivation Due to Incapacity

Section 41-430 describes deprivation due to incapacity.

.31 The parent who meets the requirements found under Section 41-430 for establishing a basis for deprivation due to incapacity will also meet the requirements of exemption due to illness or incapacity under WIN.

.32 However, because the standards for establishing deprivation due to incapacity is different than the standards for establishing exemption from registration, exemption from WIN registration based on Code 03 or 05 may not necessarily establish a basis of deprivation due to incapacity.

For example, a parent may be exempted from WIN registration because he/she is ill. However, deprivation due to incapacity may not be established if the illness is not expected to last at least 30 days.

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Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
11347; and 42 USC 645.

(25) Adopt Section 42-645 to read:

42-645 RECONSIDERATION OF EXEMPTION OR NONEXEMPTION

42-645

- .1 In reconsidering exempt or nonexempt status, the CWD shall:
 - .11 Notify an individual who changes from exempt to nonexempt that he/she must register for WIN Demo.
 - .12 Review a determination that an individual is nonexempt whenever there is a change in the individual's circumstances indicating a possible exemption.
 - .121 If a registered principal earner becomes exempt due to remoteness, he/she shall be notified to register with EDD-JS.
 - .13 Review a determination of nonexemption if the individual does not agree with the determination.
 - .131 Advise the individual of the right to a state hearing when the CWD has determined there is no basis for an exemption and the individual is dissatisfied with the nonexempt determination.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 11347; 42 USC 645; 45 CFR 224.20(b)(6), and 45 CFR 224.20(c) and 45 CFR 224.20(f).

(26) Repeal Section 42-650.

42-650 REQUESTS FOR RECONSIDERATION OF EXEMPTION OR
NONEXEMPTION

42-650

.1 WIN Sponsor Reconsideration of Nonexempt Status

- .11 If the WIN sponsor receives information or believes an individual referred as mandatory should be exempt, the WIN sponsor shall register the individual and notify the IMU in writing of the reason it believes the individual is exempt and request the IMU to review the case.
- .12 If the IMU does not respond in 30 days after the initial request for review by the WIN sponsor, the WIN sponsor shall deregister the individual.
- .13 The 30-day period may be extended for a reasonable period when there is a legitimate basis for the delay. In such a situation, the reason for the delay must be communicated to WIN within each 30-day period in order to stop the deregistration of the individual by WIN.
- .14 If the IMU determines upon review that the individual is not exempt, the decision is binding on the WIN sponsor.

.2 Requests for Reconsideration of Exemption or Nonexemption by the Individual

- .21 In general, the IMU worker should review a determination that an individual is nonexempt whenever there is a change in the individual's circumstances that would indicate there was a possible exemption.
- .22 The determination of nonexemption shall also be reviewed if the individual does not agree with the determination.
- .23 If the individual disputes the determination of nonexemption on the basis that he/she is ill or incapacitated, the IMU can temporarily exempt for one 30-day period in order to allow the individual to obtain verification of his illness or incapacity. The 30-day period can be extended to 45 days where there is a legitimate delay in obtaining a medical appointment and/or verification (see Section 42-633.24).
- .24 When the IMU has determined there is no basis for exemption, the individual has a right to a fair hearing on the nonexempt determination. (However, a request to

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the IMU for review of the nonexempt determination is not
required prior to a request for fair hearing.)

Authority: welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
11347; and 42 USC 645.

(27) Adopt new Section 42-650 to read:

42-650 WIN DEMO REGISTRATION

42-650

- .1 The CWD shall register nonexempt and volunteer applicants and recipients for WIN Demo.
- .2 WIN Demo registration shall include:
 - .21 Describing the WIN Demo program including the role of the Employment Development Department for job search activities and placement.
 - .22 Informing nonexempt applicants and recipients of:
 - .221 The penalties for failure or refusal to register (refer to 42-655);
 - .222 The sanctions for failure or refusal to participate in the program (refer to 42-691);
 - .223 Their right to the good cause/conciliation process;
 - .224 The right to a state hearing to contest the denial or discontinuance of AFDC benefits due to the failure or refusal to register or to participate in WIN Demo.
 - .23 Informing exempt individuals of their right to voluntarily register and to withdraw such registration without loss of AFDC benefits.
 - .231 Exempt individuals shall be advised to report any changes affecting their exempt status to the CWD.
 - .24 Requesting nonexempt and volunteer applicants and recipients to sign the WIN Demonstration Registration and Report form to document registration.
 - .241 Giving a copy of the form to the registrant.
 - .242 If the nonexempt individual refuses to register, follow procedures in 42-655.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Section 11347; 42
USC 645, 45 CFR 224.20(c)(1), (2), (3), and (4),
45 CFR 224.50 and .51.

(28) Repeal Section 42-651.

42-651 NOTIFICATIONS TO APPLICANTS AND RECIPIENTS

42-651

- .1 The IMU shall notify all exempt individuals of the right to volunteer and their right to withdraw such registration without loss of AFDC benefits provided their status has not changed.
- .2 The IMU must inform the nonexempt AFDC-FG applicants and recipients that their needs will not be taken into account in determining the needs of the family if they fail to register for WIN as required.
- .3 The IMU must inform the nonexempt AFDC-U parent that failure to register as required will result in denial of aid to the family.
- .4 The IMU must inform all applicants and recipients that they have a right to a fair hearing to contest (1) a determination of nonexempt status, (2) denial or discontinuance of welfare benefits because of refusal to register for WIN.
- .5 The IMU shall inform exempt individuals in writing that they are required to report any changes affecting their exempt status.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11347; and 42 USC 645.

(29) Repeal Section 42-652.

42-652 NOTIFICATION TO THE WIN SPONSOR

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- .1 The IMU shall notify WIN within three working days of any welfare determination which may affect the individual's WIN status. Such notification is required when:

- .11 The registrant or family is discontinued from welfare.
- .12 The registrant obtains full-time employment.
- .13 The registrant loses full-time employment.
- .14 The registrant becomes exempt and does not wish to volunteer.
- .15 An applicant or recipient who has been referred for registration is denied or granted and if granted whether he/she is federally or nonfederally eligible.

If the individual is an AFDC-U parent, who is nonfederal only because he has been unemployed less than 30 days, the notification shall include the date that federal eligibility will be established.

- .16 The registrant becomes nonfederally eligible.
 - .17 The registrant moves from one address to another within the same WIN county.
- .2 Notification When A WIN Registered Principal Earner's Status Changes from WIN to Non-WIN

- .21 When the principal earner's status changes from federal to nonfederal or from nonexempt to exempt, the IMU shall include in its notification under Section 42-652.1 that the individual is required to be referred to EDD-ES for registration. This does not apply to the principal earner whose status changes from nonexempt to exempt under Section 42-630.3, .4, .5, .7, .8, or .10. (See Section 41-440.24.)

- .22 WIN will then refer the principal earner's registration record to EDD-ES and include in its deregistration notice to the IMU that the registration record has been referred. This does not apply to the principal earner whose status changes from nonexempt to exempt under

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Section 42-630.3, .4, .5, .7, .8, or .10. (See Section 41-440.24.)

- .23 The IMU shall notify the principal earner of the change in his/her status from federal to nonfederal or from nonexempt to exempt and his/her responsibility to report to EDD-ES within 30 days. This does not apply to the principal earner whose status changes from nonexempt to exempt under Section 42-630.3, .4, .5, .7, .8, or .10. (See Section 41-440.24.)

- .3 Changes which will require referral to WIN of the individual using the MA 5-95 include:

- .31 Change of the AFDC-U parent from nonfederal to federal status who is not exempt.
- .32 A change from exempt to nonexempt of any individual not previously voluntarily registered.
- .33 The AFDC-U parent registered at EDD-ES must take the MA 5-95 to the local WIN office.

With the concurrence of the local WIN sponsor and the local EDD-ES office manager, the county may establish an alternate procedure for the AFDC-U parent.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11347; and 42 USC 645.

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(30) Renumber Section 42-690 to 42-655 and amend to read:

42-69055 PENALTIES FOR REFUSAL
OR FAILURE TO REGISTER

42-69055

- 1 Refusal or failure of a nonexempt AFDC-B parent principal earner to register for WIN results in the denial or discontinuance of AFDC benefits to the family.
- 2 Refusal or failure of a nonexempt AFDC-FG individual, other than the principal earner, to register results in the denial or discontinuance of AFDC benefits to that individual. Aid continues to the remainder of the FAG assistance unit unless the AFDC-FG individual who fails to register is the only eligible child in the home, in which case, aid to the family is denied or discontinued.
- 3 Discontinuance shall be effective the end of the month in which the notice expires as provided under an appropriate Notice of Action (see Section 22-015).
- 4 The individual can reestablish his/her eligibility by fulfilling the required registration or by a finding of exemption.
- 5 There is no durational penalty attached to a failure or refusal to register.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; 42 USC 645; and 45 CFR 233.100(a)(5)(i) and 45 CFR 224.51.

(31) Adopt Sections 42-660.1, .2, .3, .4, and .5 to read:

42-660 SELECTION FOR PARTICIPATION IN EMPLOYMENT ACTIVITIES 42-660

- .1 The CWD shall determine whether the registrant will participate or be deferred from WIN Demo employment activities conducted by EDD.
 - .11 A Services Assessment form completed by the registrant may be used to reach this decision.
- .2 A caretaker relative who is enrolled in school for at least 12 units of credit and has a child under age six, shall be considered unsuitable for WIN Demo participation.
- .3 Other registrants shall be deferred from WIN Demo participation upon a determination made by the CWD. Registrants who should be deferred include those who:
 - (a) Are so seriously dependent upon alcohol or drugs that work or training is precluded;
 - (b) Have an emotional or mental problem that precludes participation;
 - (c) Are involved in legal difficulties (such as court-mandated appearances) which preclude participation;
 - (d) Do not have the legal right to work in the United States;
 - (e) Have a severe family crisis;
 - (f) Are in good standing in a union which controls referrals and hiring in the occupation;
 - (g) Are involved in an unresolved trade dispute;
 - (h) Require purchased services that are unavailable in the county;
 - (i) Are temporarily laid off from a job;
 - (j) Are excluded principal earners ;
 - (k) Are in the last semester of training or the final four months of training if the school does not operate on a semester basis;

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- (l) Are employed 15-30 hours per week;
 - (m) Are participating in acceptable self-initiated training programs which are not in the last semester or final four months of training, but meet certain criteria.
 - (1) The CWD shall defer the registrant if all the following criteria are met for acceptable self-initiated training:
 - (aa) the registrant has not worked in the past 36 months;
 - (bb) the course of study will be completed within one year;
 - (cc) the course of study requires participation of at least 12 hours per week;
 - (dd) the registrant has paid fees which would be forfeited if the course were dropped;
 - (ee) this is the first vocational training the registrant has had in the past 18 months;
 - (2) If any of the above criteria are not met, the CWD shall refer the registrant to EDD for evaluation. EDD will decide if the self-initiated training is acceptable and advise the CWD of the decision.
 - (aa) If EDD determines that the training is acceptable, the individual shall be deferred from EDD employment activities.
 - (bb) If EDD determines that the training is not acceptable, the registrant should be advised of such by the CWD and referred to EDD for employment activities.
- .4 If the registrant is not selected for EDD WIN Demo participation, the CWD shall document the reason for the deferral in the case record. Refer to Section 42-685 for follow-up procedures.
- .5 If the registrant is selected for EDD WIN Demo participation:
- .51 The CWD worker shall determine if the registrant requires supportive services in order to participate in the program. Refer to Section 42-680 for available supportive services.

- .511 This decision may be reached after review of the registrant-completed Services Assessment Form, and verification of the information.
- .52 If the registrant requires supportive services such services shall be arranged for or provided prior to referral to EDD.
- .521 Document the services on the WIN Demonstration Registration and Report form.
- .53 The registrant shall be referred to EDD according to procedures established between the CWD and EDD. Such procedures shall be consistent with the SDSS/EDD Interagency Agreement for employment services.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; Unemployment Insurance Code Section 5007(b); 45 CFR 224.34(a)(7) and 45 CFR 233.10(a)(1); and 42 USC 645.

(32) Amend Sections 42-675.11, .12, .21, and .22 to read:

42-675 ~~INDIVIDUALS TO BE SERVED BY THE SAH~~
 PROVISION OF SUPPORTIVE SERVICES

42-675

•1 General

- 11 The SAH CWD provides or arranges for supportive services for WIN Demo registrants and their families when such services are necessary to enable the registrant to accept employment or participate in the WIN Demo Program.

Subject to further limitations, registrants can be:

- 111 Certified or uncertified AFDC applicants; or
 - 112 Certified or uncertified AFDC recipients; or
 - 113 Former AFDC recipients discontinued from aid due to employment.
- 12 The WIN supportive services described in Section 42-680 are provided either in the form of staff services or purchased services subject to the conditions and limitations specified in .2 and .3 below.

•2 Staff Services

- 21 Staff services are those services provided by the SAH workers. They include any of the services outlined in Section 42-680 as well as the SAH staff time spent in arranging for purchased services or services to be provided from other sources.
- 22 Staff services shall be made available to all registrants and their families. Such services shall also be made available to former recipients who are discontinued from aid due to employment for a maximum of 90 days after the date of discontinuance.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; 42 USC 645; and 45 CFR Sections 224.50 and 45 CFR 224.30(d)(2).

(33) Amend Sections 42-675.3, .31, .32, .33, .34, .341, .342; .35, .351, .352, .353, .354, and .4 to read:

42-675 INDIVIDUALS TO BE SERVED BY THE SAH
PROVISION OF SUPPORTIVE SERVICES(Continued)

42-675

.3 Purchased Services

- .31 Purchased services are services arranged by the SAH CWD worker, but not actually provided by the SAH worker CWD. Purchased services are paid for from WIN supportive Demo service funds.
- .32 Purchased services may be provided for up to two weeks between participation in WIN components or between participation in a component or employment related activities and the start of employment in order to avoid interruption of the employability process.
- .33 Purchased services may shall be provided only when required to enable the individual registrant to accept training, employment, or and to participate in WIN employment-related activities and components.
- ~~.34~~ All recipients shall be certified before receiving purchased services. All AFDC applicants, certified or not, may be provided purchased services necessary to enable them to participate in employment-related activities required by an approved employability plan.
- ~~.341~~ Applicants who receive purchased services shall be certified when they become recipients.

.354 Duration of Purchased Services

Purchased services for an applicant cease when AFDC is denied. Purchased services for a recipient are limited to:

.3541 Individuals in WIN DJT components:

- (a) When a certified an individual enters an DJT component necessary purchased services shall continue for a period of 30 days after the start of subsidized employment. Discontinued recipients shall be eligible only if AFDC benefits have been discontinued due to employment.

(b) When the SAH CWD worker determines it is necessary to enable the registrant to remain in the OJT component, the continuation of such services may be authorized for an additional 60 days.

(c) Discontinued recipients shall be eligible only if AFDC benefits have been discontinued due to employment.

.3542 Individuals who enter unsubsidized employment:

(a) Necessary purchased services shall continue for 30 days to an certified individual who enters unsubsidized employment. It is not required that the services be purchased from WIN supportive service funds if other sources are available, however.

(b) Purchased services may continue for an additional 60 days at the discretion of the SAH worker when necessary to enable the registrant to remain employed.

(c) Such services may continue for discontinued recipients only if the AFDC grant has been discontinued due to employment.

.365 Purchased services for working registrants.

.3651 In special circumstances, working registrants who are not currently receiving purchased services may be provided day care services. Such services are limited as follows:

(a) There has been a breakdown in day care due to unforeseeable circumstances. Changes in day care arrangements which can be anticipated, such as the end of the school year, are not considered exceptional circumstances; and

(b) The failure to provide the day care would result in the loss of existing employment; and

(c) Provision of day care would enable the registrant to continue employment; and

(d) The services are not available on a timely basis from any other source.

.3652 Under special circumstances purchased services other than day care may also be provided.

.3653 Provision of the purchased services under this section is limited to a maximum of 30 days.

.3654 This service may not be used as a means of automatically extending the usual duration of purchased services.

•4 Services from Other Sources

•41 At times, the registrant or a member of his/her family may require services which cannot be paid for from WIN supportive services funds or which cannot be provided by the SAH CWD worker. In such instances, the SAH CWD worker should make every effort to arrange for such services to be provided from other service programs.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(34) Repeal Sections 42-676.1 through .6.

42-676 APPRAISAL INTERVIEW AND DEVELOPMENT OF EMPLOYABILITY PLAN 42-676

.1 Purpose of Appraisal Interview

The appraisal interview is the joint responsibility of the SAU and WIN and is the first step in the development of the employability plan (EP).

The purpose of the appraisal interview is to assess the registrant's employability potential and his/her suitability for employment and participation in a WIN component.

An appraisal involves analyzing the registrant's work history, skills, interests, and needs for supportive services as well as the consideration of the registrant's employability in relation to the current labor market.

The SAU worker is primarily responsible for assessing the need for supportive services.

.2 Joint Appraisal Requirement

.21 Joint Interview

The joint appraisal requirement can be met by a joint interview.

A joint interview is one interview of the registrant conducted by the SAU worker together with the local WIN sponsor worker.

For purposes of this section, a joint interview also includes those situations where the SAU worker rather than conducting the interview with the WIN worker, commences the SAU portion of the interview with the registrant immediately after the WIN worker completes his/her portion of the interview.

.22 Sequential Interview

The joint appraisal requirement can also be met by a sequential interview.

A sequential interview is one in which the registrant is seen by the local WIN sponsor for a portion of the appraisal and at a later time is seen again by the SAU worker for the remainder of the appraisal.

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When the joint interview requirement above cannot be met and a sequential interview is conducted, no more than five working days shall elapse between the receipt of the notification of the WIN appraisal interview and the scheduling of the SAU appraisal interview.

•3 Time of Appraisal

- 31 AFDC-U parent shall be appraised whenever possible but in no event later than two weeks after the date AFDC is authorized.
- 32 All other registrants will be appraised according to the following legislatively mandated priorities, taking into consideration the individual's employment potential.
 - 321 Mothers, whether or not required to register, who volunteer;
 - 322 Other mothers who are required to register;
 - 323 Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training;
 - 324 Others.
- 33 The local WIN sponsor is responsible for selection of the registrants other than the AFDC-U parent to be appraised.

•4 Joint Appraisal Interviews at a Time Other Than Registration

- 41 Individuals scheduled for appraisal at a time or place different from the registration interview will be provided with a call-in notice by WIN.
- 42 The SAU will be provided with a copy of the notice.
- 43 The notice will include the date, time, and location of the interview, instructions for arranging an interview schedule change, and the possible consequences for failure to appear.
- 44 If the registrant fails to keep the first appointment, the WIN sponsor will reschedule and written notice shall be provided to the registrant by WIN. The rescheduling notice may be sent by certified mail, delivered by SAU staff during a personal visit or by other appropriate methods.

.45 The SAU shall also receive a notice of the second interview and attempt to contact the registrant, identify the problems that kept the individual from keeping the first appointment and attempt to insure the individual's appearance at the second interview. The SAU staff should try to reschedule a mutually agreeable appointment for appraisal if the second appointment cannot be kept.

.46 If a registrant fails to appear after the second call-in notice, the WIN sponsor shall issue a Notice of Intended Deregistration. The WIN adjudication system will apply.

.5 Sequential Appraisal Interviews -- SAU Requirements

.51 If the WIN portion of the interview is conducted at a time other than registration, all the procedures in .4 will be followed for the scheduling and rescheduling of the WIN portion of the interview.

.52 For the SAU portion of the interview, whether or not the WIN portion occurred at registration, the following procedures will apply:

.521 After WIN has completed its portion of the appraisal interview, the WIN sponsor shall notify the SAU within three working days.

.522 The SAU must schedule and conduct its part of the appraisal interview within five working days from the date notification was received from WIN.

.523 The SAU must send the individual a notice which includes the date, time, and location of the interview, instructions for arranging an interview schedule change, and the possible consequences for failure to appear.

.524 If the registrant fails to appear for the appointment, the SAU shall attempt to contact the registrant and identify and help remedy the problems that prevented the registrant from keeping the appointment. At the time of their contact with these registrants, SAU staff should try to schedule a mutually agreeable appointment for appraisal.

.525 Registrants who fail to appear for an initial appraisal interview with SAU will be rescheduled by the SAU.

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•526 In all cases when an interview is rescheduled, written notice shall be provided to the registrant. The rescheduling notice may be sent by certified mail, delivered by SAU staff during a personal visit or by other appropriate methods and it must advise the registrant that failure to appear will result in the initiation of a deregistration action.

•527 If the registrant fails to appear for the second SAU appraisal interview, the SAU shall notify WIN within three days of the failure to appear.

•528 If a registrant fails to appear after the second call-in notice, the WIN sponsor shall issue a Notice of Intended Deregistration. The WIN adjudication system will apply.

•6 The Employability Plan (EP)

•61 Development

•611 Development of the EP is a three-way effort, with input from the registrant, the WIN sponsor staff and the SAU staff.

•612 The SAU worker is responsible for the evaluation of the need for supportive services.

•62 Reassessment

Reassessment of the EP is a continuing responsibility of the WIN and SAU staff. As changes occur in the registrant's circumstances, the need for supportive services may change and the case record should reflect the changes.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

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(35) Repeal Section 42-677.1 through .3.

42-677 CERTIFICATIONS

42-677

.1 Definition

Certification is written notice from the SAU to the WIN sponsor (1) that necessary supportive services have been arranged or provided, or are available to enable a registrant to accept employment, training, or other manpower services; or (2) that the registrant needs no supportive services and is ready for employment or training.

.2 Time of Certification

.21 AFDC-U Parents:

Certification of all unemployed parents shall be completed within 30 days of the receipt of aid. Receipt of aid is defined as the date the IMU took the action authorizing the AFDC benefits or the effective date of aid, whichever is later. In order to insure this is done in a timely manner, the following steps shall occur:

.211 The WIN sponsor will initiate certification requests for all unemployed parents after appraisal no later than two weeks after the receipt of aid.

.212 The SAU shall then certify the AFDC-U parent no later than 30 days after the receipt of aid.

.213 If the WIN sponsor has not initiated the certification request within three weeks of the receipt of aid, the SAU shall, on its own initiative, certify the unemployed parent.

.214 The SAU shall notify the WIN sponsor within three working days of the certification by completing appropriate items on the certification record (the MA 5-96) and forwarding one copy of the record to the WIN sponsor and one copy to the IMU.

.22 All other recipient registrants:

In all other situations, the SAU shall initially certify at the request of the WIN sponsor.

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.3 Relationship of Certifications to the Provision of the Services

- .31 A certification is not required in order to provide counseling or other services directly provided by SAU staff to registrants (applicants or recipients). Such services are chargeable to WIN as SAU staff costs.

However, WIN purchased services may not be provided to the registrant unless he/she is certified.

If WIN purchased services are not available, efforts should be made to use other programs such as Title XX. Any staff time necessary to arrange for such services are chargeable to WIN as SAU staff costs.

- .32 When certification is required, there must be at least one certification indicating that supportive services are needed. Once there is such a certification, further certification is not required in order to provide additional services. However, care must be taken that the need and provision of such services is fully documented in the service record.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(36) Repeal Section 42-678.

42-678 REFUSAL TO ACCEPT SERVICES

42-678

.1 Certified Mandatory Registrants

.11 A Certified Mandatory Registrant may not refuse supportive services if the refusal prevents the individual from accepting an appropriate work or training assignment. Refusal of such services require that a cause determination be made. Such determinations are made by WIN.

.12 The Certified Mandatory Registrant is not required to accept any other supportive services as a condition of eligibility.

.2 All Others

All other registrants may accept or refuse to accept WIN supportive services.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 545.

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(37) Amend Sections 42-680.12, .13, .15, .16, and .17 to read:

42-680 MANDATED SUPPORTIVE SERVICES

42-680

Supportive Services are social services provided to WIN Demo registrants necessary to enable the registrant to accept employment or participate in WIN Demo, including such services as are necessary to remove or reduce barriers to employment. Mandated services to be provided include: day care, family planning, counseling, employment-related medical and remedial care, and selected vocational rehabilitation services.

.1 Child Day Care Services

- .11 Definition. Child day care is the comprehensive and coordinated sets of activities providing direct care and protection of infants, preschool and school age children during a portion of a 24-hour day inside or outside of the child's own home.

.12 Child Day Care Standards

Child day care arrangements provided through WIN Demo must meet the same standards as are required under Title 22, California Administrative Code (CAC), Division 6, Chapter 2 (commencing with Section 81000) and Chapter 8.5 (commencing with Section 88001).

.13 Child Day Care Plans

A child day care plan is a written agreement between the SAW CWD, the provider, and the WIN registrant which comprehensively describes for whom and under what specific circumstances child day care will be provided.

- .131 There ~~must~~ shall be a written plan for each registrant who receives WIN-funded child day care funded by WIN Demo. This plan will include the following information:

- a. The name, address, and case number of the WIN registrant.
- b. Case name, if different from the above.
- c. Date the plan is initiated.
- d. Name, birthdate, and sex of child(ren) for whom care is being provided.

- e. The component or activity in which the registrant will participate.
- f. The duration of the component or activity (beginning and ending dates).
- g. The type of care being provided, i.e., in-home, family day care, group day care, or day care center.
- h. Beginning and ending dates of provision of care.
- i. Number of hours of care, e.g., 7:30 a.m. to 3:30 p.m., including normal transportation time. These hours shall include one hour before and one hour after school, if necessary.
- j. Total number of hours per week.
- k. Name and address of provider.
- l. Signatures of SAU the CWD worker, the registrant, and the provider.
- m. Rate of pay per hour, week or month.
- n. Conditions under which provider will be paid or not paid for absences.

.132 The SAU CWD worker's signature on the child day care plan is the instrument which authorizes expenditure of WIN Demo child day care funds. A copy of the signed plan should be sent to the IMU.

†131(a) The SAU CWD worker should shall explain to the registrants the type of day care available, the suitability of each type of care in relation to the needs of the children, the importance of stability and continuity of care, the length of time WIN Demo-funded day care payments can continue, and the availability of other day care after WIN Demo-funded care ends.

†132(b) The registrant should be involved in the development of a suitable day care plan which may include plans for emergency or interim care as well as for long-term, stable day care.

- 133 If there is more than one type of day care available, the mother or other caretaker relative shall be permitted to may choose among them.
- 134 A certified registrant may ~~not~~ cannot refuse the available care unless he/she can arrange for other day care that which is no more expensive, to the county or WIN and can show that such refusal will not prevent or interfere with WIN participation.
- 135 In the case of day care provided at no cost to the WIN Demo program, the S&H CWD worker should discuss the care arrangement with the WIN registrant to determine its potential stability and suitability. Each case folder should contain documentation confirming that the client has obtained his or her own suitable day care. Such documentation may consist of the S&H CWD worker's narrative report in the case record.

(a) The CWD worker should explain the advisability of obtaining child care consistent with the requirements of Title 22, California Administrative Code.

- 136 As part of the planning process, the S&H worker should stress the importance of the registrant's informing the S&H CWD worker immediately if the day care plan breaks down.

•14 Criteria for Child Day Care Plans

In developing plans for suitable day care services, the following factors should be considered:

- 141 Accessibility to the child's home and school;
- 142 Convenience for the registrant and suitability of the hours of the day care with respect to the registrant's schedule; and
- 143 Appropriateness of the plan to the age and special needs of the child.

•15 Emergency Day Care Services

- 151 The S&H is responsible for CWD worker shall provide or arrange for temporary, emergency day care services when (1) no immediate and permanent arrangement is possible, or (2) care is needed for a short-term period, or (3) an

emergency situation arises, disrupting the established day care plan, such as the illness of the provider or child or the unavoidable absence of the provider.

- 152 Emergency care is not a substitute for long-term care. It should be provided only until a permanent day care plan can be established or the regular plan can be resumed. If possible, no child should be placed in an emergency care arrangement for more than ten continuous days at any one time. During this period, permanent day care arrangements should be developed.
- 153 Emergency day care arrangements should meet the same standards as regular day care arrangements.
- 16 Child Day Care Costs
 - 161 If a registrant declines to accept day care services arranged by the S&B CWD worker and prefers to make other arrangements, ~~WIN~~ supportive service funds may be used to pay for ~~such~~ the alternative arrangements day care if the it arrangement will not be more costly than the ~~WIN~~ arrangement, if the alternative will not conflict with the registrant's participation in ~~WIN~~ and if the arrangements and meets the standards of Section 42-680.12.
 - 162 All child day care costs for participants are paid from WIN Demo child day care funds following the limitations set forth in Section 42-675.34. Such costs shall be paid on the basis of a monthly claim submitted by the registrant or by the provider to the county welfare department. This claim shall be signed by both the registrant and the provider. The payment shall not exceed those agreed upon in the child day care plan and, (upon receipt of the expense claim), shall be adjusted to meet the actual allowable expense incurred.
 - 163 The Standard Training Related Expenses (TRE) paid by the ~~WIN~~ sponsor EDB include the cost of transportation to-and-from day care locations.

~~WIN~~ manpower funds are paid by EDB for those participants in non-waged components. Transportation costs are allowed as a work-related expense. Transportation costs for participants in waged components are allowed as a work-related

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expense deducted from the income. See EAS Section 44-113-241(d).

- 164 WIN Demo will pay for child care when the child is temporarily absent from care if it is agreed upon in the child day care plan. Payment may be made for temporary absences for only the following verified reasons:
 - (a) illness or quarantine of the child,
 - (b) illness or quarantine of the parent,
 - (c) family emergency, and
 - (d) court ordered visits with a parent or other relative by the child.
- 17 Child Care Provided by State Department of Education (SDE) Contract Centers
 - 171 WIN Demo child day care funds are used to pay for WIN child(ren) care in SDE Contract Centers that meet standards under Title 22, California Administrative Code (CAC), Division 6, Chapter 2 (commencing with Section 81000) and Chapter 8.5 (commencing with Section 88001).
 - 172 The SDE Center must be notified that the ~~child(ren)~~ day care is provided paid for by WIN Demo funds and how long WIN Demo will pay for such care. Submitting a copy of the child day care plan will accomplish this purpose. If the parent drops out of or completes the ~~WIN~~ component, the center must be notified so that it will not continue to bill WIN Demo for child care.
 - 173 The rates in SDE Centers are the actual program costs of the center. The maximum reimbursement rate is ~~established~~ reflected in the State Budget Act.

WIN Demo counties are required to pay the maximum reimbursement rate or actual operating costs, whichever is less, for WIN Demo children in SDE Centers.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
11347; and 42 USC 645.

(38) Amend Sections 42-680.21, .22, .31, .32, .33, .41, .42, .43, and .52 to read:

42-680 MANDATED SUPPORTIVE SERVICES (Continued)

42-680

.2 Family Planning Services

.21 Definition. -- Family planning services include counseling, educational, and medical services (including diagnosis, treatment, drugs, supplies, services, and related counseling furnished, prescribed by, or under the supervision of a physician) to enable appropriate individuals of childbearing age (including minors) to voluntarily limit their family size or to space their children.

.22 Provision of Service

.221 Acceptance of family planning services is completely voluntary. Acceptance may not be a prerequisite of, or an impediment to, eligibility for any other WIN service or required as a condition of eligibility for AFDC.

.222 The ~~SAB~~ CWD worker ~~should~~ shall inform registrants that family planning services are available to all members of the family group.

.223 When family planning services are desired, the ~~SAB~~ CWD ~~should~~ shall arrange for the service or refer the individual to the appropriate agency to receive the service. The ~~SAB~~ CWD worker ~~should~~ shall advise the registrant that family planning services may be obtained from a physician of the registrant's choice.

.3 Counseling

.31 Definition. -- Counseling is a process in which the WIN registrant or a member of the family is assisted in improving individual or family functioning or resolving an identified problem in order to accept or retain employment. Through the counseling process, the registrant is assisted in the resolution of problems that may interfere with employability.

.32 Provision of Counseling

Counseling is part of the normal case-management function which takes place as part of registrant contact

with the SAH. As with all services to registrants, eCounseling activities should be coordinated closely with the WIN sponsor EDD to avoid disruption of scheduled employment or training activities.

•33 Areas of Counseling

•331 Counseling may include:

(a) The requirements of the WIN Demo Program;

•4 Employment-Related Medical and Remedial Care and Health Related Services

•41 Definition. Employment-related medical and remedial care and health related services consist of counseling on health care matters and resources, and of help assistance in obtaining, as well as purchasing, medical care and services directed toward overcoming physical and emotional health problems likely to jeopardize or limit the employability of an individual who otherwise has the potential for work.

•42 Provision of Services

•421 The need for such services is determined by the SAH CWD worker at the time of the WIN appraisal supportive services interview or possibly through a health-screening interview. If the need for a medical examination is indicated in order to determine whether the individual needs employment-related health services, the SAH CWD worker shall arrange for such an examination. The medical becomes the basis for the SAH's CWD worker's decision as to the employment-related medical services which are to be provided.

{This medical examination is not to be confused with the medical examination done in order to establish an exemption, which is completed by the IMU. Any examination obtained by the IMU although it can be used as the basis for determining the need for employment-related medical services. If the SAH CWD worker believes a nonexempt individual may be exempted from WIN registration, the SAH may request the IMU to the CWD shall redetermine the registrant's nonexemption, determination and the IMU will arrange for any necessary medical examination.}

•43 Available Resources

Employment-related medical and remedial care and health care services may be provided with WIN supportive service funds only when such services are not available under Medi-Cal or are not otherwise available through the Veterans Administration, Vocational Rehabilitation, Public Health Service, Maternal and Child Health Service, and State and local health programs.

•5 Selected Vocational Rehabilitation Services

- 51 Definition. Vocational Rehabilitation services are therapeutic and restorative services to correct or substantially improve a physical or mental condition which may be a barrier to employment.
- 52 Such services may be purchased with WIN supportive service funds only when they are not available through the vocational rehabilitation agency and when there is reasonable expectation that such services will enable the individual to engage in unsubsidized employment.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(39) Amend Section 42-682 to read:

42-682 OPTIONAL SUPPORTIVE SERVICES

42-682

Each local WIN-SAU The CWD may provide transportation as a special non-recurring supportive service. the optional WIN service, transportation. The local WIN-SAUs CWD exercise of the option is based upon local needs, priorities, and the availability of funds.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 845.

(40) Repeal Section 42-685.1 through .5.

42-685 SERVICE CASE RECORD DOCUMENTATION

42-685

The service case record should adequately reflect the following information:

- .1 That the individual is a registrant.
- .2 If WIN purchased services are provided:
 - .21 That the individual is a certified registrant.
 - .22 That there is one certification record (MA 5-96) which indicates the need for supportive services.
- .3 The Need for supportive services, if any.
- .4 Any additional supportive services which are required which were not initially identified.
- .5 Progress notes of supportive services provided to the registrant or his family and the date(s) that the services were provided.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(41) Adopt Sections 42-685.1 to read:

42-685 CWD RESPONSIBILITY FOR REGISTRANT SUPERVISION 42-685

.1 CWD Responsibilities

- .11 The CWD is responsible for registrants who are not assigned to EDD. This group includes recipients who are failing or refusing to cooperate with the CWD, deferred registrants, and registrants returned to CWD by EDD.
 - .111 Registrants returned to CWD by EDD include those whom EDD determines should be exempt or deferred, and registrants who are unsuccessful in finding work after EDD participation or who are unable to participate through no fault of their own.
- .12 Recipients who fail or refuse to cooperate are subject to cause determination and conciliation procedures detailed in 42-688.
- .13 The CWD shall:
 - .131 Reconsider recipients for referral to EDD at the annual eligibility redetermination or more frequently if necessary.
 - .132 Refer recipients to EDD if barriers precluding participation are removed or if the basis for exemption or deferral no longer exists.
 - .133 Determine which registrants have entered employment and remained employed for at least 30 days.
- .14 The CWD shall report data collected pursuant to Section 42-685.133 in accordance with SDSS statistical reporting requirements.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 10852, 10853, 10809, and 11347; and 42 USC 645.

(42) Adopt Section 42-686 to read:

42-686 REGISTRANT STATUS CHANGE NOTIFICATIONS

42-686

.1 Registrant Status Change Notifications

.11 The CWD shall notify EDD of any welfare decision which may affect the status of a registrant assigned to EDD. Such notification shall be provided when the recipient:

.111 Is discontinued from welfare.

.112 Obtains full-time employment.

.113 Loses full-time employment.

.114 Becomes exempt and does not wish to volunteer.

.12 EDD will notify the CWD when a registrant:

.121 Who is nonexempt should have been exempted or deferred and the individual's case needs to be reviewed. The notification shall state the reason for the request.

a. EDD may refer the individual back to the CWD if unable to work with the recipient.

.122 Has been evaluated for self-initiated training and the outcome of the evaluation.

.123 Needs supportive services in order to continue participation (i.e., change in child care, counseling).

.124 Is unable to benefit from participation (through no fault of the recipient) and is returned to the CWD.

.125 Is unsuccessful in finding work after participation and is returned to the CWD.

.126 Failed or refused to participate without good cause. The notice shall state the reason for the decision.

.127 Enters employment.

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- Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
11347; and 42 USC 645.

(43)- Adopt Section 42-688 to read:

42-688 CAUSE DETERMINATIONS AND CONCILIATION

42-688

.1 General

A recipient may fail or refuse to cooperate in the WIN Demo program as required. The failure or refusal to cooperate requires that a cause determination be made by either CWD or EDD staff, depending upon which agency is responsible for the recipient at the time of noncooperation. If the recipient is found to be without good cause for noncooperation, the staff must conciliate any dispute before the Notice of Action is issued. Good cause and conciliation requirements are the same for both EDD and the CWD.

.2 Noncooperative Actions

.21 The CWD shall conduct a cause determination when a nonexempt recipient:

.211 Fails or refuses to appear for a supportive service/EDD selection interview; or

.212 Refuses supportive services necessary for participation in the program.

.22 The CWD shall conduct a cause determination when a nonexempt certified recipient:

.221 Refuses supportive services necessary for participation in the program;

.222 Fails to report to EDD as directed by the CWD;

.223 Fails or refuses to respond to a request to appear for an appointment.

.23 EDD will conduct a cause determination when a certified recipient under EDD supervision:

.231 Fails or refuses to actively engage in employment-related activities;

.232 Fails or refuses to accept a job referral or appear for a job interview when the referral is made by EDD and the job meets appropriate work criteria and the goal of the employability plan;

- .233 Fails or refuses to report to appropriate employment after hire;
- .234 Fails or refuses to accept an assignment to suitable training;
- .235 Fails or refuses to attend classes or to participate in other activities that are consistent with the EDD employability plan;
- .236 Seriously disrupts an employment activity or behaves in a manner that constitutes a threat or hazard to staff or fellow participants;
- .237 Fails or refuses to respond to a request to appear for an appointment;
- .238 Voluntarily reduces earnings; or
- .239 Obtains a job while under EDD supervision and quits or is discharged for misconduct within 90 days of starting that job.

.3 Good Cause Criteria

- .31 The recipient may have good cause for not cooperating. Good cause criteria include:
 - .311 Illness or incapacity;
 - .312 Court-required appearances or temporary incarceration;
 - .313 Family crisis or sudden change of individual or family circumstances;
 - .314 Breakdown in transportation arrangements with no readily accessible alternative means of transportation;
 - .315 Inclement weather which prevented the recipient and other persons similarly situated from traveling to or participating in the prescribed activity;
 - .316 Breakdown in child care arrangement;
 - .317 Lack of other supportive services necessary for participation; or

.318 Refusal to accept major medical services even if such refusal precludes participation in the program;

.319 Other substantial and compelling reasons.

.4 Cause Determination/Conciliation Interview

.41 The CWD shall give the recipient an opportunity to explain why he/she refused or failed to cooperate.

.42 The CWD shall send a noncooperation appointment notice for the recipient to meet with agency staff within 10 days of noncooperation to discuss the action.

.421 The notice shall contain the following information:

(a) A statement that the appointment is to determine if the recipient had good cause for not cooperating;

(b) The recipient's noncooperative action;

(c) A statement that the recipient has the right to provide an explanation of his/her failure or refusal to cooperate;

(d) The right to conciliate a determination where there was no good cause;

(e) A proposed conciliation plan;

(f) The right to offer a counter-proposal towards conciliatory resolution;

(g) The names and addresses of the local legal services office and welfare rights office, if any, to assist with conciliation; and

(h) The consequences of failing to keep the appointment.

.43 If the recipient contacts the worker prior to the interview to request rescheduling, the interview shall be rescheduled.

.44 If the recipient does not keep the appointment for the determination/conciliation interview and has not contacted the CWD, the worker shall make a cause determination from available information.

.441 The CWD shall document the decision for inclusion on the Notice of Action.

.45 If the recipient keeps the appointment for the cause determination/conciliation interview and the decision is that the recipient has good cause for the action, the recipient shall remain registered.

.451 The CWD shall document the decision in the case record.

.46 If the recipient keeps the appointment for the cause determination/conciliation interview and the decision is that the recipient is without good cause, the recipient has the right to conciliation.

.461 The CWD shall document the decision in the case record.

.5 Conciliation

.51 Conciliation is a period of up to 30 calendar days during which the worker tries to resolve the recipient's failure to cooperate.

.511 The conciliation begins either on the date of the cause determination/conciliation appointment or ten days following the failure to cooperate, whichever occurs first.

.52 The recipient's rights and responsibilities shall be explained and he/she shall be informed of the consequences of continued failure to cooperate.

.53 Conciliation may be terminated sooner by either the CWD or by the recipient's written request if at any time it is apparent to either that the dispute cannot be resolved.

.531 The CWD may end the conciliation early if it is apparent that the recipient will not cooperate (e.g., continues to refuse supportive services, to report to EDD or otherwise demonstrates unwillingness to cooperate).

.532 The CWD shall inform the recipient of the right to terminate the conciliation and to receive assistance from the CWD in preparing the written request.

- .54 The CWD shall develop a written conciliation plan specifying the actions the recipient shall take to demonstrate cooperation with WIN Demo requirements.
- .541 The recipient has the right to propose an alternate conciliation plan. However, the CWD shall make the final decision regarding the terms of the plan.
- .542 The CWD shall give a copy of the plan to the recipient.
- .55 If the recipient follows the terms of the conciliation plan, he/she shall continue in WIN Demo.
- .551 The CWD shall notify the recipient in writing of the successful completion of conciliation.
- .56 If the recipient does not follow the terms of the conciliation plan, the CWD shall impose sanctions pursuant to 42-691.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; Unemployment Insurance Code Sections 5007, 5007.5, and 5302; and 45 CFR 244.34, 224.51(d)(1) and (2), and 224.63.

(44) Repeat Section 42-691.1 through .5.

42-691 SANCTIONS

42-691

.1 General

Note: Section 42-691 (et seq.) provisions do not apply to refusals, quits, or terminations of state seasonal employment made available under, or to participants in, the "AB 1531 Demonstration Project". See Section 42-710.

.11 Sanctions apply when:

.111 A mandatory uncertified registrant is determined by WIN to have failed or refused without good cause to appear for appraisal, or reappraisal (see Section 42-691.2).

.112 A certified mandatory registrant refuses or fails without good cause to participate in the WIN program. (See Section 42-691.3.)

.12 Sanctions do not apply to a volunteer.

The volunteer who refuses or fails to cooperate with WIN without good cause or who fails to appear for appraisal is deregistered by WIN and sanctions do not apply.

.2 Failure to Appear for Appraisal or Reappraisal

.21 When a mandatory registrant, after two requests to appear, refuses or fails to appear for appraisal, the cause determination is made by WIN.

.22 After the final determination by WIN that the refusal or failure was without good cause, WIN will deregister the individual, and within three days notify the IMU and SAU.

.23 Upon receipt of the deregistration notification from WIN, the IMU shall discontinue the individual or family in accordance with the provisions of Section 42-691.313.

.24 Repealed by Manual Letter No. 82-70.

.25 See Section 42-691.4 for the duration of ineligibility.

.3 Failure by a Certified Mandatory Registrant to Participate in WIN

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.31 When a certified mandatory registrant fails or refuses to participate in WIN, a cause determination is made by the WIN sponsor.

.311 The following actions by the registrant are examples of when WIN will make a cause determination:

- (a) Refusal or failure of the individual to appear for a job referral or interview when the referral is made by the WIN sponsor staff or another agency, and the job meets appropriate work criteria and the goal of the employability plan.
- (b) Refusal or failure of the individual to accept suitable child care which would then preclude participation in WIN.
- (c) Refusal or failure of the individual to accept other services which would then preclude participation in work or training.
- (d) Failure or refusal of the individual to show up for work or for WIN sponsor and/or SAU interviews, appointments, classes, etc., without an acceptable excuse.
- (e) The individual who possesses the required education, experience or aptitude to perform an assignment makes no noticeable effort to benefit from the WIN activity.
- (f) An individual quits his job without good cause or is fired for cause during the initial 30 days of employment.

.312 The cause determination is made by WIN sponsor. The WIN staff member will attempt to resolve the problem with the individual; if that fails, a Notice of Intended Deregistration will be sent to the individual, the parent or guardian of a minor individual, and the SAU by WIN. The individual has 10 days to request a hearing through the WIN adjudication system. If such a hearing decision is requested, action to deregister is delayed until the hearing decision supporting the WIN determination that good cause did not exist.

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..313 Upon receipt of the deregistration notification from the WIN sponsor, the IMU shall discontinue the individual, or family, from AFDC as follows:

- (a) If the individual is a caretaker relative, other than the unemployed parent establishing a basis of deprivation due to unemployment, his/her aid shall be discontinued, and aid shall be continued to the remainder of the family in the form of protective or vendor payments (the caretaker relative may not be the protective payee); or
- (b) If the individual is one of several eligible children in the FBU, aid shall be discontinued for that child and aid shall be continued to the remainder of the family; or
- (c) If the individual is the only eligible child in the FBU, aid shall be discontinued to the entire family.
- (d) If the individual is the unemployed parent, i.e., the parent establishing the basis of deprivation due to his/her unemployment, aid shall be discontinued to all members of the family whose sole basis of deprivation is the unemployment of that parent.

.4 Duration of Ineligibility

.41 When a mandatory registrant has been deregistered from WIN for (1) failure to appear for appraisal, or (2) failure or refusal to participate in WIN, he/she, or the family when appropriate, (see 42-691.313) shall be ineligible for AFDC for a period of:

- (a) Three payment-months for the first occurrence.
- (b) Six payment-months for the second and subsequent occurrences.

.42 The EW shall:

- (a) Discontinue the individual, or family at the end of the month in which the 10-day notice expires; or

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(b) If the proposed action is appealed by the recipient, and the county's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision upholding the proposed discontinuance is received (if the county is unable to discontinue aid at the end of such month aid shall be discontinued effective at the end of the following payment month); and

(c) Inform the individual that he/she may request restoration to be effective at the expiration of the ineligibility period (see 42-691.41).

.43 If the individual becomes exempt from WIN registration requirements while he/she is deregistered and he/she requests reinstatement, aid can be reinstated provided all other eligibility factors are met.

.44 Upon the expiration of the sanction period, AFDC can be restored, if requested, provided all eligibility requirements are met.

.5 Continuation of Aid in the Form of Protective or Vendor Payments

.51 Protective or vendor payments are made when:

.511 A parent or needy caretaker relative other than the unemployed parent establishing deprivation due to unemployment is deregistered from WIN and his/her needs deleted from the AFDC FBU for failure or refusal, without good cause, to appear for appraisal. See Section 42-691.231.

.512 Repealed by Manual Letter No. 82-70.

.513 A certified mandatory registrant parent or caretaker relative other than the unemployed parent establishing deprivation due to unemployment, is deregistered from WIN and his/her needs are deleted from the FBU.

.52 The SAU worker shall arrange for a protective payee or develop a plan for vendor payments (see exception at Section 44-310). Should the individual be deregistered prior to completion of arrangements for a protective payee or a plan for vendor payments, this function shall be funded under Title IV-A of the Social Security Act.

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- .521 If an agency payee is used, the agency shall take care to assure that no actual or apparent conflict of interest exists.

Agency protective payees may not include the IMU worker.

- .53 The SAU worker will notify the IMU worker within three working days of the arrangement of a protective payee or vendor payment.
- .54 The IMU worker will immediately issue a 10-day notice to the recipient to establish the money management plan.
- .55 If the agency named protective payee is unable to issue the payment as the individual refuses to cooperate, aid shall be discontinued for failure to cooperate based on Section 40-105.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

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(45) Adopt Section 42-691.1 and .2 to read:.

42-691 DEREGISTRATION AND SANCTIONS

42-691

.1 Deregistration

.11 The CWD shall perform all deregistrations.

.12 The CWD shall deregister a recipient who:

.121 Becomes exempt; or

.122 Is a volunteer and no longer wants to participate;
or

.123 Becomes ineligible for AFDC, except if
participating in a WIN component or is employed
and receiving WIN Demo funded supportive services
(refer to 42-675.2 for length of services).

.124 Has been sanctioned pursuant to 42-691.2.

.2 Sanctions

.21 When a nonexempt recipient has refused or failed to
cooperate without good cause, the following sanctions
shall apply:

.211 For the first such occurrence the individual shall
be deregistered for three payment months.

.212 For the second and subsequent occurrences, the
individual shall be deregistered for six payment
months.

.22 During the sanction period if the individual is:

.221 A caretaker relative, other than the principal
earner, his/her aid shall be discontinued, and aid
shall be continued to the remainder of the family
(refer to Section 42-691.233 for protective
payments); or

.222 One of several eligible children in the assistance
unit, aid shall be discontinued for that child and
aid shall be continued to the remainder of the
family; or

- .223 The only eligible child in the assistance unit, aid shall be discontinued to the entire family; or
- .224 The principal earner, aid shall be discontinued to all members of the family whose sole basis of deprivation is the unemployment of that parent.
- .23 For sanctioned individuals, the CWD shall:
- .231 Discontinue the individual or family at the end of the month in which the timely and adequate notice expires; or
- .232 If the proposed action is appealed by the recipient, and the county's action is sustained, the discontinuance and deregistration shall be effective at the end of the payment month in which the state hearing decision is received. If the county is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.
- .233 Arrange for a protective payee in the case of a sanctioned caretaker relative. (See exception at Section 44-310).
- (a) If an agency payee is used, the agency shall assure that no actual or apparent conflict of interest exists. IMU workers shall not serve as agency protective payees.
- .234 Restore aid:
- (a) Upon expiration of the sanction period if the individual requests aid and is otherwise eligible; or,
- (b) If the sanction is rescinded.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11308 and 11347; 42 USC 602(a)(19)(F) and 42 USC 645; and 45 CFR Sections 224.50, 224.51, and 234.60(a)(12) and (13).

(46) Amend Sections 44-101.525, .526, .533, and .536 to read:

44-101 INCOME DEFINITIONS (Continued) 44-101

.5 Earned Income (Continued)

.52 Earned income also includes: (Continued)

- .525 Training incentive payments and work allowances under ongoing manpower programs, other than WIN Demo and JTPA.
- .526 Earnings from On-the-Job Training (OJT or WIN/COD) and earnings from Public Service Employment other than Public Service Employment under the WIN Demo program (WIN/PSE).

44-101 INCOME DEFINITIONS (Continued) 44-101

.5 Earned Income (Continued)

.53 Earned income does not include: (Continued)

- .533 Incentive payments derived from participation in WIN Demo.

44-101 INCOME DEFINITIONS (Continued) 44-101

.5 Earned Income (Continued)

.53 Earned income does not include: (Continued)

- .536 Income received from Public Service Employment under the WIN Demo program (WIN/PSE) (see Section 44-113.10).

Authority: Welfare and Institutions Code Sections 10553 and 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
11347; and 42 USC 645.

(47) Amend Section 44-111.3(f) to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
 AS INCOME (Continued)

.3 Exemption of Payments from Public Sources (Continued)

- f. The incentive payments and the reimbursement for training related expenses made by WIN Demo are exempt from consideration as income.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(48) Amend Sections 44-206.1(g) and .23 to read:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE FBU (Continued) 44-206

.1 The following persons must be excluded from the FBU (even if it would be appropriate to include them under Section 44-205.23 or .24): (Continued)

(g) Any relative who is required to register and who is not registered for WIN Demo or Employment Services.

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE FBU (Continued) 44-206

.2 The entire family is ineligible for aid payments when:
(Continued)

.23 An AFDC H-parent principal earner has been sanctioned by WIN Demo. (See Section 42-691)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(49) Amend Section 44-301 to read:

44-301 MONEY PAYMENT PRINCIPLE

44-301

Each individual or family has the right to manage his/her own affairs; to decide what use of his/her money, including the aid payment, will best serve his/her interests; and to make his/her purchases through the normal channels of exchange, to enjoy the same rights and to discharge his/her responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307); when authorized sanctions are applied where a person fails without good cause to cooperate in an established WIN Demo Program (See Section 42-691); when protective payments are made in noncooperation child support cases (see Sections 43-106 and 43-107.1); or when directed by the Services System to make payments to a protective payee or to a vendor or vendors (see Section 44-307).

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(50) Amend Section 44-303.33 to read:

44-303 AID PAYMENTS - DEFINED (Continued)

44-303

.3 (Continued)

.33 In WIN Demo sanction cases (see Section 42-691).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

(51) Amend Section 44-350.2(b) to read:

44-350 OVERPAYMENTS - GENERAL (Continued)

44-350

.2 Definitions (in Alphabetical Order) (Continued)

- b) Administrative Error Overpayment - An overpayment caused by error on the part of the county when all information necessary to a correct determination of the grant was in the possession of the county. Administrative error also includes, but is not limited to, county failure to advise applicants/recipients of social security number and WIN/ES Demo or JS registration requirements, and EDD failure to notify the county when WIN/EJS registration requirements are not met.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 42 USC 645.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

ORD #0484-14

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED

MAY 13 2 58 PM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JUN 1 2 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McArthur

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

JUN 1 2 1985

At 4:05 o'clock P.M.

MARCH PONG EU, Secretary of State

By *Virginia R. Brady*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: *22* 63-301, 407, 502, 503, and 802

SECTIONS ADOPTED

63-043

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

November 16, 1984

b. DATE OF ADOPTION OF REGULATION(S)

MAY 10, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 15 - 29, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt Section 63-043 to read:

63-043 IMPLEMENTATION OF REVISED PROVISIONS FOR ENERGY 63-043
ASSISTANCE PAYMENTS, WORK REGISTRATION,
RESTORATION OF LOST BENEFITS, AND
TECHNICAL AMENDMENTS

The CWDs shall implement these revisions beginning the first of
August 1985 after the filing of these revisions with the
Secretary of State. The revised regulations include Sections
63-301.531, 63-407.1, 63-502.2(1)(7), 63-502.363, 63-503.485,
63-802.1, 63-802.54, 63-802.6, and 63-802.7.

Authority: welfare and Institutions Code Sections 10553 and
 18904.

Reference: welfare and Institutions Code Sections 10553 and
 18904.

Amend Section 63-301.531 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.5 Expedited Service

.53 Processing Standards

.531 Expedited Service Households

For households entitled to expedited service, except as specified in Sections 63-301.532 and .533, below the CWD shall mail or have available for pickup at the household's request, ATPs or coupons no not later than the close of business of the fifth calendar day following the date the application was filed.

The CWD shall offer the household the option of having the ATP or coupons mailed by the fifth calendar day or of having the ATP or coupons available for the household or its authorized representative to pick up no later than the start of business of the fifth calendar day following the date the application was filed. In counties that use an HIR issuance system and that do not provide any mail issuance, the county shall have the coupons available for the household or its representative to pick up no later than the start of business of the fifth calendar day following the date the application was filed.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18914 and 7 CFR 273.2(i).

Amend Section 63-407.1 to read:

63-407 WORK REGISTRATION REQUIREMENTS

63-407

.1 Persons Required to Register

The county welfare department CWD shall determine which household members are required to register for employment. Each household member who is not exempt by Section 63-407.2 shall register for employment at the time of application and once every six twelve months after initial registration as a condition of eligibility, unless the household is entitled to expedited service. If the household is entitled to expedited service, household members subject to work registration shall be registered as indicated in Section 63-301.5. Registrants who move out of a county shall reregister at their new location unless the registrant's new address is within the same Employment Development Department (EDD) jurisdiction. Under the provisions of Section 63-402.611, the registration form (DE 8435 FS) may be completed by someone other than the household member required to register.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 10554, 18901 and 7 CFR 272.3(c)(ii) and letter from Food and Nutrition Service dated October 17, 1983.

Amend Section 63-502.2(j)(7) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

•2 Income Exclusions.

Only the following items shall be excluded from household income:

j. Any income that is specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program. The following laws provide such an exclusion:

- (7) Payment or allowances made under any federal state or local law law for the purpose of energy assistance ~~five~~ Low Income Energy Assistance Program (EAP), Energy Crisis Assistance Program (EEAP), and Crisis Intervention Program (CIP). These payments or allowances must be clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. In addition, any payments or allowances, including tax credits, under state or local law which are so designated and made for the purpose of providing energy assistance shall be excluded from consideration as income provided the exclusion of such payments or allowances has been approved by FNS through SDSS.

Amend Section 63-502.36 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.3 Income Deductions

.36 Standard Utility Allowances Allowance

- .363 Except as provided in Section 63-502.362, the household shall be advised at initial certification and recertification that it may, instead of using the SUA, deduct its total actual utility costs if the household can verify these costs. Households shall not be allowed to switch between the actual utility costs and the SUA for a period of 12 months following initial certification and may switch no more frequently than once every 12 months thereafter.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901, 18902; 7 CFR 273.9(c)(11) and (d)(6).

Amend Sections 63-503.48, .485(b) and (c) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)

63-503

.4 Households with Special Circumstances (Continued)

- .48 Residents of group living arrangement who receive benefits under Title II or ~~Title XVI~~ of the Social Security Act.

.4 Households with Special Circumstances (Continued)

.48 (Continued)

.485 (Continued)

- b. Once the resident leaves, the group living arrangement may no longer act as his/her authorized representative.

(1) For nonmonthly reporting households, the group living arrangement shall, if possible, provide the household with a change report form to report to the CWD the individual's new address and other changes in circumstances after leaving the group living arrangement and shall advise the household to return the form to the appropriate office of the CWD within 10 days.

(2) For monthly reporting households, the group living arrangement, if possible, shall provide the household with a monthly report form, CA 7, and instruction on completing the report form. However, the household is responsible for reporting the changes in household circumstances to the CWD.

- c. If a resident or a group of residents apply on their own behalf and if they retain use of their own coupons, these individuals are entitled to keep the coupons when they

leave. If a group of residents have applied as one household, a pro rata share of the remaining coupons shall be provided to any departing household member.

(1) For nonmonthly reporting households, the group living arrangement shall, if possible, provide the household with a change report form to report to the CWD the individual's new address and other changes in circumstances after leaving the group living arrangement and shall advise the household to return the form to the appropriate office of the CWD within 10 days. However, the household is responsible for reporting the changes in household circumstances.

(2) For monthly reporting households, the group living arrangement, if possible, shall provide the household with a monthly report form, CA 7, and instruction on completing the report form. However, the household is responsible for reporting the changes in household circumstances to the CWD.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 10554, 18901, 7 CFR 273.20 and 7 CFR 273.21(b).

Renumber Sections 63-802.13, to 63-802.17; amend Sections 63-802.1, .11, .12, .14, .15, .16, and .54; repeal Section 63-802.17; to read:

63-802 RESTORATION OF LOST BENEFITS

63-802

.1 Entitlement

The CWD shall restore to the household benefits which were lost whenever the loss was caused by an error by the CWD or a fraud disqualification was subsequently reversed as specified in *12 of this section. Lost benefits shall be restored even if the household is currently ineligible to participate in the program.

.11 Reversal of Fraud Disqualification

Households whose benefits are restored as a result of a reversal of a fraud disqualification penalty shall receive lost benefits regardless of the length of time that has elapsed since the household member was disqualified.

The CWD shall restore to a household benefits which were lost whenever:

.111 the loss was caused by an administrative error as defined by Section 63-801.22, or;

.112 an administrative disqualification for an intentional Program violation was subsequently reversed as specified in Section 63-805.3, or;

.113 a statement elsewhere in the regulations specifically states that the household is entitled to restoration of lost benefits.

*12 Entitlements to Individuals Disqualified for Fraud

Individuals disqualified for fraud in accordance with the provisions of Section 63-805 are entitled to restoration of any benefits lost during the months they were disqualified only if the decision which resulted in disqualification is subsequently reversed. For each month the individual was disqualified, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate if the household

member been allowed to participate. If the household received a smaller allotment than it should have received, the difference equals the amount to be restored. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

.12 Lost benefits shall be restored for not more than 12 months prior to the earliest of the following dates:

.121 The date the CWD receives a request for restoration from a household; or

.122 The date the CWD is notified or otherwise discovers that a loss to a household has occurred.

.13 The CWD shall restore lost benefits even if the household is currently ineligible for Food Stamp Program participation.

.14 Entitlements That Occurred Prior to Elimination of the Purchase Requirement

Households assigned a purchase requirement that was too high or assigned an incorrect household size shall be entitled to restoration of lost benefits if the household received fewer bonus stamps as a result. The amount to be restored is equal to the difference between the bonus stamps the household received and the correct amount the household should have received. Benefits shall be restored in accordance with the procedures outlined in this section.

.14 The CWD shall restore to a household benefits which were found by any judicial action to have been wrongfully withheld.

.141 When the judicial action is a review of a state hearing, benefits shall be restored for a period of not more than 12 months prior to the date that the state hearing was initiated, or the dates specified in Section 63-802.12, whichever is the earliest.

.142 If the judicial action is the first action the recipient has taken to obtain restoration of lost benefits, then benefits shall be restored for a period of not more than 12 months from the date the judicial action was initiated.

Households entitled to lost benefits, who did not receive them because of their ineligibility to participate in the program, may apply for these benefits regardless of the length of time that has elapsed since the entitlement was established. If the entitlement was established more than three years prior to application for restoration and cannot be verified from CWD records, the CWD shall issue lost benefits if the applicant signs an affidavit, under penalty of perjury, explaining the household's entitlement.

.15 Lost Benefits to Individuals Disqualified for Intentional Program Violation

.151 If the decision which resulted in a disqualification for intentional program violation is subsequently reversed by a judicial action, that individual is entitled to a restoration of any benefits lost during the months that he/she was disqualified. The restoration shall not exceed 12 months prior to the date of the CWD's notification of the reversal, except when the individual has participated in an administrative disqualification hearing. The CWD shall consider the individual's prior participation in the administrative disqualification hearing as notification that the household has requested a restoration of lost benefits, and shall restore benefits from the effective date of the notice of disqualification (DFA 377.7A).

(a) For each month the individual was disqualified, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate. If the household received a smaller allotment than it should have received, the difference equals the amount to be restored.

.16 Entitlements to Households With Delayed Photo ID Card Replacements

Mutilated or altered photo ID cards shall be replaced as specified in Sections 63-504.862 prior to the issuance of coupons. Therefore, if a household's opportunity to participate expires between the time the household requests the photo ID card replacement and the delivery of that card, the household CWD shall be entitled to

restoration of lost benefits restore any resulting lost benefits to the household.

•17 All Other Households.

For all other households, benefits shall not be restored if lost more than 12 months prior to the most recent of the following:

- (a) The month the EWB was notified by the household or by another person or agency in writing or orally of the possible loss to that specific household;
- (b) The month the EWB discovers in the normal course of business that a loss to a specific household has occurred; or
- (c) The date the household requested a state hearing to contest the adverse action which resulted in the loss.

•13.17 Entitlements to Households With Changed Membership
(Continued)

63-802 RESTORATION OF LOST BENEFITS (Continued)

63-802

•5 Computing the Benefit to be Restored (Continued)

•54 If a claim against a household is unpaid or, held in suspense suspended or terminated as provided in Section 63-801.24.5, the amount to be restored shall be offset against the amount due on the claim before the balance, if any, is restored to the household. At the point in time when the household is certified and the initial allotment received.

•541 When the allotment for the initial month(s) is paid retroactively, this initial allotment shall not be reduced to offset claims.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Sections 10554, 18901, 18902, 18904, and 7 CFR Section 273.17, (a) and (e) and Government Code Section 11349.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

85 05153

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1184-57

REC'D
MAY 15 3 02 PM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
JUN 13 1985
Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

JUN 13 1985

At 4:27 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Virginia L. Brady*
Deputy Secretary of State

AGENCY CONTACT PERSON AND POSITION

Harry Baertschi, Regulations Analyst

TELEPHONE

5-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED

SECTIONS ADOPTED

Manual of Policy and Procedures - Section 63-801.443

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

February 1, 1985

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt Section 63-801.443 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

•4 Collecting Claims Against Households and Sponsors of Alien Households (Continued)

•44 Action Against Households and Sponsors of Alien Households Which Fail to Respond (Continued)

•443 Other Collection Methods

The CWD may also pursue other collection actions as appropriate, to obtain restitution of a claim against any household or sponsor which failed to respond to a written demand letter for repayment of any inadvertent household error, administrative error, or Intentional Program Violation claim. If the CWD chooses to pursue other collection actions and the household pays the claim, payments shall be submitted to SDSS in accordance with the procedures outlined in Section 63-801.8. The CWD's retention of claim collections shall be based on the actual amount collected from the household through such collection actions excluding collection costs.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18902; 7 CFR 273.18(d)(4).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1184-60

8505144

RECEIVED

MAY 14 2 13 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

JUN 14 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McChesney

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

JUN 14 1985

At 4:04 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Virginia L. Brady*
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy Howard, Regulations Analyst

TELEPHONE

445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

22 SECTIONS AMENDED 70-808, and
Title: Manual of Policies and Procedures (MPP) 70-800, 70-801, 70-804, 70-807, 70-809
SECTIONS ADOPTED
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

February 1, 1985

b. DATE OF ADOPTION OF REGULATION(S)

May 13, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 26, 1985 - May 10, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on January 14, 1985, and which became effective on January 14, 1985.

Manual of Policy and Procedures, Division 70, Chapter 70-800, Sections:

Adopted

70-800(a)-(j)
70-801
70-802
70-803
70-804
70-805
70-806
70-807
70-808
70-809

These regulations were presented at public hearing on March 20, 1985. As a result of the public hearing the following sections have been changed.

Amended

70-800(a), (d)(3) and (5), (g), and (h)
70-801.15, .214, .215, .216, and .217
70-801.3, .4, .5, and .6
70-804.54, .541, .581, .63, .721, .722, and .73
70-807.11, .16, .17, .172, .173, .174, and .175
70-808.431 and .432
70-809.1 and .24



LINDA S. McMAHON
Director

5/13/85

Date

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CHAPTER 70-800 INTERCOUNTRY ADOPTIONS

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Adopt new chapter heading to read:

INTERCOUNTRY ADOPTIONS

Amend Section 70-800 to read:

70-800 DEFINITIONS

70-800

- (a) "Adoption Abroad" means the adoption of a foreign-born child by a United States citizen or a lawful permanent resident alien of the United States completed in foreign courts under the laws of the foreign country.
- (b) "Agency" means a licensed California private adoption agency.
- (c) "California Preadoption Requirements-Adoption Abroad" means assessment of applicant as required by MPP Section 70-804.
- (d) "California Preadoption Requirements-Adoption of a Foreign-Born Child in California" means:
 - (1) Assessment of applicant as required by MPP Section 70-804.
 - (2) Assessment of the child as required by MPP Section 70-805.
 - (3) Determination Obtain documentation from the foreign agency that the child is legally free for adoption.
 - (4) Determination that the child's needs can be met by placement with the prospective adoptive parent.
 - (5) Availability of post placement supervision.
- (e) "Child" means a foreign-born individual under 16 years of age.
- (f) "Department" means the State Department of Social Services.
- (g) "Foreign Agency" means the foreign government, or organization, or agent authorized under the laws of the foreign country to provide adoption services.

(h) "Foreign Guardianship" means care, custody, control and financial responsibility for the foreign-born child given to a United States citizen or a lawful permanent resident alien of the United States by the government of the child's native country.

(i) "INS" means the Immigration and Naturalization Services agency within the United States Department of Justice charged with administering the immigration and naturalization laws of the United States.

(j) "Intercountry Adoption" means intercountry adoption as defined at Welfare and Institutions Code Section 16140.

(1) Welfare and Institutions Code Section 16140 reads as follows:

"For the purposes of this Chapter "intercountry adoption" means the adoption of a foreign-born child for whom federal law makes a special immigration visa available. Intercountry adoption includes completion of the adoption in the child's native country or completion of the adoption in California."

Authority: Welfare and Institutions Code Sections 10553, 10554, and 16141.

Reference: Welfare and Institutions Code Sections 16140, 16142, 16142.1, 16143, and 16145; Civil Code Sections 25, 226.1, .2, .3, .4, .6, and .8; and 8 CFR 204.2(d)(3).

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Amend Section 70-801 to read:

70-801 GENERAL AND ADMINISTRATIVE REQUIREMENTS

70-801

- 1 The agency shall make copies of the following available to all staff:
 - 11 Federal statute and regulations pertaining to intercountry adoptions
 - 12 Department of Social Services' Manual of Policies and Procedures (MPP), Division 70
 - 13 California Administrative Code, Title 22, Division 2, Chapter 3, Adoptions and Child Placing Agencies
 - 14 Current written information explaining the laws, policies and procedures of any foreign agency
 - 15 Either 6 copies of or the requirements contained in all written agreements between the agency and any foreign agency as required in MPP Section 70-801.2 below.
- 2 The agency shall have a written agreement with each foreign agency from which the agency places children.
 - 21 The written agreement between the agency and the foreign agency shall:
 - 211 Verify that the foreign agency is authorized to place children for intercountry adoption under the laws of the foreign agency's country
 - 212 Specify the responsibility of the foreign agency for the care of the child including medical care and financial support
 - 213 Specify the authority and responsibility of the foreign agency in relation to placement, disruptions, finalization of the intercountry adoption or return of the child to his/her native country
 - ~~a. •214~~ Specify that the agency shall notify the foreign agency in writing whenever the adoption cannot be finalized.
 - 214~~5~~ Specify the supervision and reporting requirements of the foreign agency

- 2156 Specify the policies and procedures for the selection of children through the foreign agency
 - a. The policies of a foreign agency may preclude placement of a foreign-born child with certain individuals or family constellations.
- 2167 Specify responsibility for travel arrangements for the child's transportation from the child's native country to the final California destination.
- 3 The agency shall submit reports to the department as required by the department including but not limited to the following:
 - 31 The number of applications pending
 - 32 The number of completed Assessments of Applicants
 - 33 The number of pending Assessments of Applicants
 - 34 The number of adoptions by relatives
 - 35 The number of homes awaiting placement of a foreign-born child
 - 36 The number of completed intercountry adoptions
 - 37 The number of foreign-born children placed by county of origin.
- 4 Agencies that provide intercountry adoption services shall submit the following information to the Department for each adoptive placement of a foreign-born child:
 - 41 Child's birth name and date of birth
 - 42 Name of adoptive parents
 - 43 Name of birth parents, if available
 - 44 Name of foreign agency
 - 45 Name of agency.
- 45 The agency shall establish a fee schedule for intercountry adoption services as required by welfare and Institutions Code Section 16143.2.

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- 451 Welfare and Institutions Code Section 16143.2 reads as follows:

"The costs incurred by licensed adoption agencies pursuant to programs established by the act which added this section to the Welfare and Institutions Code shall be funded by fees charged by those agencies for services required by this chapter. The agency's fee schedule must be approved by the department initially, and whenever it is altered."

- 56 The agency shall maintain a permanent record for each foreign-born child and/or family for whom the agency provides adoption services.

- 561 In addition to copies of all correspondence case records shall include:

- 5611 Copies of all documents received from the foreign agency

- 5612 Written Assessment of the Child as required by MPP Section 70-805 including a copy of the psychological and medical history form as required by MPP Section 70-805.6

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- 5613 Copy of written Background Information on Birth Parents as required by MPP Section 70-806 including medical report on the mother of the child as required by MPP Section 70-806.122

- 5614 Copy of written Assessment of the Applicant as required by MPP Section 70-804 including:

- (a) Documentation required by MPP Section 70-804.5

- (b) Copy of notification of agency's decision regarding the assessment as required by MPP Section 70-804.78.

- 5615 Information regarding application, placement and supervision including:

- (a) Copy of completed application as required by MPP Section 70-803.1
- (b) Copy of placement agreement as required by MPP Section 70-807.16
- (c) Copy of updated psychological and medical history form and updated assessment of the child as required by MPP Section 70-808.43 and .44
- (d) Documentation that the agency provided a copy of the updated psychological and medical history form to the prospective adoptive parent as required by MPP Section 70-808.431
- (e) Documentation to support any reduction in the six-month supervisory period permitted by as specified in MPP Section 70-808.3
- (f) Documentation of all interviews conducted during the supervisory period as required by MPP Section 70-808.5 and .6 including:
 - (1) Documentation of any area listed in MPP Section 70-808.711 through .716 observed by the agency representative that requires modification and a description of the modification required by MPP Section 70-808.42.
- (g) Copy of written evaluation of the adoptive placement as required by MPP Section 70-808.7
- (h) Copy of all written notices as required by Title 22, Division ____ 2 California Administrative Code Sections 830684(c) and (d).

.5616 Copies of all court reports submitted by the agency as required by MPP Section 70-809

.5617 Copies of all requests for disclosure of information from the adoption case record including:

- (a) Requests for medically necessary information

- (b) Waivers of confidentiality to allow the agency or department to arrange for contact among the adult adoptee, the natural parent and the adoptive parent
- (c) Requests for disclosure of the name and address of the birth parent
- (d) Requests for a copy of the psychological and medical history form.

.5618 Copy of certification submitted to INS that California Preadoption Requirements have been met.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 16141; and Health and Safety Code Section 1530.

Reference: Welfare and Institutions Code Sections 10852, 16143.1, and .2; and Title 22, California Administrative Code Sections 89179 and 89182.

Amend Section 70-802 to read:

70-802 CUSTODY, USE AND PRESERVATION OF ADOPTION
CASE RECORDS

70-802

- .1 All adoption case records maintained or made in the process of providing adoption services are confidential and except as provided for in this section, the agency or the Department shall not disclose any information contained in an adoption case record for any purpose not directly connected with the adoption.
- .2 The department shall be permitted to disclose information to an adopted person which is limited to general background information pertaining to the adopted person's birth parents.
 - .21 Such information shall not include or reveal the identity of the birth parents.
- .3 The agency or the department shall disclose medically necessary information pertaining to the adopted person's birth parents to the child or grandchild of the adopted person.
 - .31 Such medically necessary information shall not include or reveal the identity of the birth parents.
- .4 The agency or the department shall be permitted to arrange for contact among an adult adoptee, his or her birth parent and any living adoptive parent if each of these persons has filed a written waiver of his/her rights with respect to the confidentiality of adoption records with the agency or with the department.
 - .41 Neither the department nor the agency shall solicit directly or indirectly such a waiver.
 - .42 The waiver shall be in the format prescribed by the department.
- .5 The department or agency shall provide a copy of the medical report with the names and addresses of any persons contained in the report removed unless the person requesting the report has previously received the information pursuant to Civil Code Section 227b to:
 - .51 The person who has been adopted and who has attained the age of 18 or who presents a certified copy of his/her marriage certificate.

.52 The adoptive parent of a person under the age of 18.

Authority: Welfare and Institutions Code Sections 10553,
10554, 10850(d), and 16141.

Reference: Civil Code Sections 224s, 230.6, and 1798.24r and
s.

70-803 APPLICATION FOR THE PLACEMENT OF A CHILD
FOR ADOPTION

70-803

- 1 The agency shall require a written application prior to making an assessment of any person wishing to adopt a child.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 16141.

Reference: Welfare and Institutions Code Section 16141.

Amend Section 70-804 to read:

70-804 ASSESSMENT OF THE APPLICANT

70-804

- 1 The agency shall make a written assessment of the applicant to determine the applicant's suitability as a prospective adoptive parent.
 - 11 The written assessment shall be the basis for the agency's decision as to whether the applicant will be approved for the adoptive placement of a child.
- 2 The agency shall have the authority to make a determination that the applicant shall not be approved for the adoptive placement of a child at any point in the assessment process.
- 3 The agency shall make a determination that the applicant shall be approved for the adoptive placement of a child only after completing the entire assessment process.
- 4 The agency shall conduct interviews as necessary to make the determination required in MPP Section 70-804.1.
 - 41 The agency shall conduct at least one interview in the home of the applicant.
 - 42 The agency shall conduct separate interviews with each applicant if more than one applicant.
 - 43 The agency shall conduct a joint interview with the applicants if there is more than one applicant.
 - 44 The agency shall conduct interviews with all other adults and have contact with all children who live in the applicant's home.
- 5 The agency shall discuss the following information with the applicant:
 - 51 Approximate time it may take to complete each stage of the intercountry adoption process
 - 52 Statutory and regulatory requirements for adoption including confidentiality of adoption records
 - 521 INS requirements
 - 522 Foreign agency requirements.

- .53 Children available for adoption
- .54 Agency fees▼ if any
 - .541 Foreign agency fees▼ if any.
- .55 Availability of a grievance review process in accordance with Title 22, California Administrative Code Section 30684
- .56 The applicant's responsibility to pay for transportation of the foreign-born child from the child's native country to the child's final destination in California
- .57 The applicant's responsibility for the foreign-born child adopted under the laws of the child's native country
- .58 If the applicant is going to adopt the foreign-born child under the laws of the child's native country:
 - .581 The desirability of readopting the foreign-born child in California
 - .582 The agency that completed the assessment shall provide all services to the applicant to assist him/her in completing the adoption in California to include but not limited to:
 - (a) Completing the report to the court required by MPP Section 70-809.
- .59 The applicant's responsibility for the foreign-born child when he/she has received guardianship of the child under the laws of the child's native country.
- .6 The agency shall obtain the following documentation from the applicant to facilitate the assessment:
 - .61 Authorization for the release of medical and employment information on the applicant
 - .62 Report of medical examination on the applicant
 - .621 The medical report shall be signed by a licensed physician
 - .622 The medical examination required by this section shall have been conducted no earlier than six months prior to the application.

- .63 School reports for all school age children residing in the home of the applicant
- .64 At least three letters of reference regarding the suitability of the applicant as an adoptive parent.
- .7 The assessment of the applicant shall include:
 - .71 Obtaining the following identifying information:
 - .711 Name, date of birth and sex
 - .712 Current address and telephone number
 - .713 Blood relationship to child, if any
 - .714 Race and ethnic background information
 - .715 Religion
 - .716 Current employment information
 - .717 Verification of marital status, if relevant
 - (a) Verification of termination of all prior marriages.
 - .72 Evaluation of:
 - .721 General characteristics including:

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- (a) The manner in which the applicant has dealt with difficult or stressful life situations
- (b) Relationships within the applicant's family
- (c) Ability to assume responsibility for the care, guidance and protection of a child
 - (1) Acceptance of a child from a different race or ethnic background.
- (d) Emotional flexibility and stability
- (e) Self-esteem
- (f) Coping ability

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- (g) The manner in which normal hazards and risks are accepted
- (h) Motivation for adoption
- (i) Ability to have a parent-child relationship and to enjoy a child
- (j) Flexibility regarding the applicant's expectations of a child
- (k) Feelings and attitudes regarding:
 - (1) Inability of the applicant to conceive children when this is a factor in the application
 - (2) Children born to unmarried parents
 - (3) Children who have been abused, neglected or abandoned
 - (4) Sharing the facts surrounding the adoption with the adopted child including how the applicant plans to teach the child about, identify with and have information about his/her native country
 - (5) Children who have physical, emotional and/or mental handicaps.

.722 Social background:

HANDBOOK

- (a) Participation in community activities
- (b) Peer relationships.

.723 Educational background

.724 Financial stability

.725 Work adjustment

.726 Adequacy of housing

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(a) Evaluation of adequacy of housing may include evaluation of the following conditions:

- (1) sanitation
- (2) safety
- (3) sleeping accommodations
- (4) play area.

.73 Compliance with any foreign agency the requirements of the foreign agency that has been selected.

.8 The agency shall provide the applicant with written notification of its decision.

.81 Notification of the agency's decision that the applicant is approved for the adoptive placement of a child shall include identification of age, race, gender and characteristics of children considered for placement.

.82 Notification of the agency's decision not to approve the applicant for the adoptive placement of a child shall include an identification of the factors listed in MPP Section 70-804 which led to the agency's decision.

.821 The agency shall inform the applicant of the agency's grievance review procedure and the right of the applicant to file a grievance with the agency within 30 days of receipt of the agency's decision.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 16141.

Reference: Welfare and Institutions Code Sections 16142; and 8 CFR 204.2(d)

Amend Section 70-805 to read:

70-805 ASSESSMENT OF THE CHILD

70-805

- .1 The agency shall make a written assessment of the child.
- .2 The agency shall obtain documentation on the child to facilitate the assessment, including:
 - .21 Medical reports
 - .22 Psychological evaluations
 - .23 Scholastic information
 - .24 Developmental history
 - .25 Family life history
 - .26 Certified copy of birth certificate
 - .27 Race and ethnic background
 - .28 Religion.
- .3 The agency shall obtain the documentation on the foreign-born child from the foreign agency responsible for the child.
- .4 The agency shall document any unavailability of the documentation required by MPP Section 70-805.2 and the reasons for its unavailability.
- .5 The assessment shall include:
 - .51 Current and anticipated:
 - .511 Psychological functioning
 - .512 Scholastic functioning
 - .513 Social functioning
 - .514 Health status.
 - .52 Identification of any special needs of the child.
- .6 The agency shall complete a psychological and medical history form for the child.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 16141.

Reference: Civil Code Sections 224s and 226.6.

- 1 The agency shall obtain the following written information on the child's birth parents:
 - 11 Identifying information including:
 - 111 Name
 - 112 Current address
 - 113 Date of birth
 - 114 Sex
 - 115 Race and ethnic background
 - 116 Any information required by the foreign agency.
 - 12 Medical background information including:
 - 121 Written medical report signed by a licensed physician
 - 122 Written medical report on the mother of a child who is less than one year of age signed by the physician who delivered the child or, if not available, from the hospital where the child was born. The report shall include:
 - (a) Results of the mother's blood test for syphilis
 - (b) Information regarding all medication taken by the mother during pregnancy
 - (c) Mother's health during pregnancy
 - (d) Any complications of pregnancy
 - (e) Any complications of delivery.
 - 13 Social history including:
 - 131 Marriages
 - 132 Other children
 - 133 Reason for placement

•134 Education and employment.

- 2 The agency shall obtain the information on the birth parents of the foreign-born child from the foreign agency responsible for the child.
- 3 The agency shall document any unavailability of the information required by MPP Section 70-806.1 and the reasons for its unavailability.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 16141.

Reference: Civil Code Sections 224s and 226.6.

Amend Section 70-807 to read:

70-807 PLACEMENT

70-807

- .1 Prior to placement of the child where the adoption will be completed in California, the agency shall:
 - .11 ~~Determine~~ Obtain documentation from the foreign agency that the child is legally free for adoption
 - .12 Determine that the child's needs can be met by placement with the prospective adoptive parent
 - .121 The child's needs shall be determined by the assessment required by MPP Section 70-805
 - .122 The prospective adoptive parent's ability to meet the needs of the particular child shall be determined by a review of the Assessment of the Applicant required by MPP Section 70-804
 - .123 The agency shall make all nonidentifying information obtained in the Assessments of the Child and Background Information on the Birth Parents available to the prospective adoptive parent and shall discuss with the prospective adoptive parent the agency's evaluation of the child's current and anticipated functioning as required by MPP Section 70-805.51
 - (a) The agency shall submit the information to the prospective adoptive parent no later than 30 days prior to the placement of the child
 - .124 The agency shall make the psychological and medical history form required by MPP Section 70-805.6 available to the prospective adoptive parent.
 - .13 Determine that all INS requirements for a foreign-born child have been met
 - .14 Certify to INS compliance with California Preadoption Requirements
 - .15 Unless the prospective adoptive parent has received guardianship of the foreign-born child from the child's

native country the agency shall discuss the following with the prospective adoptive parent:

- (a) That the agency shall retain legal custody of the child, supervise the adoptive placement, and routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted
 - (1) If the agency enters into an agreement with the prospective adoptive parent to share or transfer financial responsibility for the child, as permitted by Welfare and Institutions Code Section 16143.1, that the placement agreement shall include the nature of responsibility assumed by the prospective adoptive parent, duration of that responsibility and effective date

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- (A) Welfare and Institutions Code Section 16143.1 reads as follows:

"Nothing in this article shall be construed to prohibit the licensed adoption agency from entering into an agreement with the prospective adoptive parents to share or transfer financial responsibility for the child."

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- (b) That the child shall not be concealed within the county prior to granting of the final decree of adoption
- (c) That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without the prior written consent of the agency
- (d) That after the adoption petition is filed the child shall not be removed from the county of residence of the prospective adoptive parent for a period exceeding 30 days without the approval of the court until a final decree of adoption is granted
- (e) That the prospective adoptive parent shall immediately place the child under the care of a

licensed physician and shall follow the physician's recommendation for routine health care for the child including immunizations

- (f) That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child and shall obtain prior written consent for all nonemergency surgical and other nonroutine medical treatment for the child
- (g) That the prospective adoptive parent shall inform the agency regarding any changes in the composition of the adoptive family or place of residence of the family
- (h) That the adoptive placement may be terminated and the child removed from the prospective adoptive parent's home at the agency's discretion prior to the filing of the petition to adopt
- (i) That the agency agrees to give seven days written notice to the prospective adoptive parent of its intent to terminate the adoptive placement and remove the child unless the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse
- (j) That after the adoptive petition has been filed the agency must obtain court approval to remove the child
- (k) That the prospective parent shall be permitted to terminate the adoptive placement and return the child to the agency at any time prior to the granting of the final decree of adoption
- (l) That the agency shall determine that all ICPC requirements for an interstate placement have been met as required by Title 22, California Administrative Code Sections 30850 through 30859
- (m) That the agency has a grievance review procedure and the right of the prospective adoptive parent to file a grievance with the agency if the parent is dissatisfied with any action of the agency at any time before a petition for adoption is filed
 - (1) The grievance review process shall be in accordance with Title 22, California Administrative Code, Chapter 3, Article 9

- (n) That Welfare and Institutions Code Section 16144 requires that as a condition of placement the prospective adoptive parent shall file a petition to adopt the child under Section 226 of the Civil Code within thirty (30) days of placement.

.16 When the prospective adoptive parent has received guardianship of the foreign born child from the child's native country, the agency shall discuss the following with the prospective adoptive parent:

- (a) That the agency shall routinely meet with the prospective parent and child until a final decree of adoption is granted.
- (b) That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without notifying the agency in writing.
- (c) That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child.
- (d) That the agency will notify the local child protective services agency when the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse.
- (e) Those items contained in .15(b), (d), (e), (g), (j), (m), and (n) of this section.

.167 Unless the prospective adoptive parent has received guardianship of the foreign-born child from the child's native country, enter into an adoptive placement agreement with the prospective adoptive parent which agreement shall include:

.1671 General and identifying information as follows:

- (a) Name and address of prospective adoptive parent
- (b) Name, address and telephone number of agency
- (c) First name and date of birth of child
- (d) Anticipated date of placement

(e) Amount of agency fees, including foreign agency fees, if any

•1672 Statements which summarize the information required by MPP Section 70-807.15 or .16.

•1673 A space for acknowledgement of receipt by the prospective adoptive parent of the information required by MPP Sections 70-807.123 and .124.

•1674 A space for the signature of the prospective adoptive parent and date of signing the adoptive placement agreement.

•1675 A space for the signature of the agency's representative and date of signing the adoptive placement agreement.

(a) The signature and date of signing by a representative of each agency shall be obtained if the placement is a cooperative placement between two agencies.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 16141.

Reference: Civil Code Sections 224n and s. 276.6, and 264 through 274; 8 CFR 204.2(d)(3) and 204.2(d)(i); and Welfare and Institutions Code Section 16143(a).

Amend Section 70-808 to read:

70-808 SUPERVISION OF ADOPTIVE PLACEMENT

70-808

- .1 The agency shall supervise the adoptive placement of the child with the prospective adoptive parent unless the child was adopted abroad.
- .2 The agency shall commence supervision of the adoptive placement when the child is placed with the prospective adoptive parent and continue until a final decree of adoption is granted or the child is removed from the home of the prospective adoptive parent.
- .3 The duration of the supervisory period shall not be less than six months unless:
 - .31 The adoptive parent has successfully completed the adoption of another child in California, including an Assessment of the Applicant and supervision by an agency, within the past two years, or
 - .32 The adoptive parent is in the military service of the United States or is employed by the American Red Cross and completion of the six-month supervisory period would delay completion of an adoption which the agency has determined should be completed.
- .4 During the supervisory period the agency shall provide the following services as needed to the prospective adoptive parent and to the child to be adopted so that the child may be successfully integrated into the family:
 - .41 Liaison between the family and:
 - .411 Schools
 - .412 Mental health agencies
 - .413 Physical health agencies
 - .414 Rehabilitation service agencies
 - .415 Other community resources.
 - .42 Discussion with the prospective adoptive parent regarding any area listed in MPP Sections 70-808.711 through .716 observed by the agency representative that

requires modification and a description of the modification required

- .43 Update the psychological and medical history form to reflect any additional information revealed during the supervisory period

- .431 The agency shall make give a copy of the updated psychological and medical history form available to the prospective adoptive parent.

- .432 The agency shall obtain the prospective parent's signature acknowledging receipt of the updated psychological and medical history form.

- .44 Update the Assessment of the Child to reflect any additional information discovered during the supervisory period.

- .5 During the supervisory period the agency shall conduct at least one interview in the home of the prospective adoptive parent with the prospective adoptive parent and the child to be adopted.

- .6 The agency shall conduct at least three additional interviews with the prospective adoptive parent unless the duration of the supervisory period has been reduced to less than six months as provided for in MPP Section 70-808.3.

- .7 The agency shall make a written evaluation of the adoptive placement.

- .71 The evaluation shall include:

- .711 The child's physical growth and development, including identification of any abnormalities

- .712 The child's general health and physical appearance, including identification of any problem areas

- .713 The child's initial and continuing adjustment in the home including:

- (a) The child's attitude about adoption

- (b) The child's attitude about this adoptive placement

- (c) The child's relationship with other family members
- (d) The child's school adjustment
- (e) The child's social interaction
- .714 The relationship of the prospective adoptive parent and all other family members with the child
- .715 The use made of extended family relationships by the prospective adoptive parent
- .716 The method, consistency and success of discipline used by the prospective adoptive parent.

Authority: welfare and Institutions Code Sections 10553, 10554, and 16141.

Reference: Civil Code Section 226.6.

Amend Section 70-809 to read:

70-809 INTERCOUNTRY ADOPTION COURT REPORT

70-809

- .1 The agency shall make a report to the court in all cases where the Department has not waived the court report and the child has been placed for adoption by the agency and the prospective adoptive parent has filed a petition for adoption. The court report shall be submitted:
 - .11 Within 180 days after the petition for adoption has been filed, or
 - .12 Within the time period extended by the court.
- .2 The report shall include:
 - .21 A full report of the Background Information on the Birth Parents as required by MPP Section 70-806
 - .22 A full report of the information obtained in the Assessment of the Child as required by MPP Section 70-805
 - .23 A full report of the information obtained in the Assessment of the Applicant as required by MPP Section 70-804
 - .24 ~~Verification~~ A copy of the documentation that the child is legally free for adoption
 - .25 The agency's recommendation that the petition be granted or denied.
- .3 The agency shall not include the names and addresses of the birth parents in the court report.
- .4 In those cases in which the agency has a question concerning the suitability of the petitioners or the care provided the child, the agency shall immediately file the court report.
 - .41 A question regarding the suitability of the petitioner or the care provided the child shall be documented in the report to the court.
 - .42 The agency shall recommend either:

.421 That the court give direction to the agency regarding the situation giving rise to the agency's question, or

.422 Recommend that the petition be denied.

.5 Civil Code Section 226c reads as follows:

"Removal of child from petitioner's home: commitment; duties of agency. At the hearing, if the court sustains the recommendation that the child be removed from the home of petitioners because the agency has recommended denial or the petitioners desire to withdraw the petition or the court dismisses the petition and does not return him to his parents, the court shall commit the child to the care of the State Department of Social Services, the licensed county adoption agency, or, in the case of an intercountry adoption, the private adoption agency licensed to provide intercountry adoption services, whichever agency made the recommendation, for that agency to arrange adoptive placement or to make a suitable plan. In those counties not covered by a licensed county adoption agency, the county welfare department shall act as the agent of the State Department of Social Services and shall provide care for the child in accordance with rules and regulations established by the department."

.6 The agency shall make a copy of its report available to the attorney of record for the adoptive petitioner or to the adoptive petitioner if he/she is not represented by an attorney.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 16141.

Reference: Civil Code Sections 226.6 and 226.7.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

ORD # 0584-21

8505177

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING
MAY 17 2 14 PM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
JUN 14 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 14 1985

At 4:04 o'clock P. M.

MARCH FONG EU, Secretary of State

By

Virginia L. Brady
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Diane Moritz Glazer

TELEPHONE 323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED
MPP 42-200 Title; 42-200.2; 42-213.2u
SECTIONS ADOPTED
MPP 42-203.3 and .9; 42-213.4
SECTIONS REPEALED
MPP 42-201; 42-203.3

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing December 11, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

August 3, 1984

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 26 thru May 10, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☒ Effective on July 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

- d. ☒ Effective on 8-1-85 (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend and renumber MPP 42-200 title and MPP 42-200.2 to read:

CHAPTER 42-200 PROPERTY (Continued)

42-2001 PROPERTY-GENERAL

42-2001

*2 Limits on Property Holdings

- .1 Real and personal property which shall be considered for purposes of this chapter when it is actually available. Property shall also be considered when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make that sum available for support and maintenance. An applicant owns or in which he has an interest are resources which must be considered before aid is granted. Limits on property holdings have been set high enough that a person need not be completely destitute to qualify for aid. On the other hand, these limits insure that persons who own property sufficient to provide themselves with the necessities of life do not receive aid intended for those in greater need. Limits on property which he can retain and remain eligible for aid are set forth in this chapter.
- .2 Limits on property holdings have been set high enough that a person need not be completely destitute to qualify for aid. On the other hand, these limits insure that persons who own property sufficient to provide themselves with the necessities of life do not receive aid intended for those in greater need. Limits on property which he/she can retain and remain eligible for aid are set forth in this chapter.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257(a); 45 CFR 233.20(a)(3)(ii)(D).

Repeal MPP 42-201:

42-201 OBJECTIVES - PROPERTY

42-201

In determining eligibility with respect to property, it is necessary to ascertain the purposes for which property is held. A person is eligible if the property he owns is held for any one of the following purposes (within certain limits): (1) to provide him with a home; (2) to provide him with income to help meet his needs; (3) to provide him with a reserve to meet a future need.

Emphasis is placed on the purpose for which property is allowed to be held. The specific limits with respect to use or total value on some types of property constitute a part of the definition of a needy person; but the more important consideration is that property may be held within those limits because it meets a present or future need of the recipient.

Regulations in this chapter are designed to express a general test: does the property meet a current need or is to be held for some future need? This test should be the basis of decision in situations not specifically or exactly covered by the regulations.

Policies governing eligibility with respect to property shall be administered with consideration to the ability and circumstances of the person in order that undue hardship not be imposed upon him in making his plans to comply with property provisions.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Adopt handbook MPP 42-201.3 to read:

42-201 PROPERTY - GENERAL (Continued)

42-201

.3 Objectives

In determining eligibility with respect to property, it is necessary to ascertain the purposes for which property is held. A person is eligible if the property he/she owns is held for any one of the following purposes (within certain limits): (1) To provide him/her with a home; (2) to provide him/her with income to help meet his/her needs; (3) to provide him/her with a reserve to meet a future need.

Emphasis is placed on the purpose for which property is allowed to be held. The specific limits with respect to use or total value on some types of property constitute a part of the definition of a needy person; but the more important consideration is that property may be held within those limits, because it meets a present or future need of the recipient.

Regulations in this chapter are designed to express a general test: Does the property meet a current need or is to be held for some future need? This test should be the basis of decision in situations not specifically or exactly covered by the regulations.

Policies governing eligibility with respect to property shall be administered with consideration to the ability and circumstances of the person in order that undue hardship not be imposed upon him/her in making his/her plans to comply with property provisions.

3 Owner of Property

The owner of property is the person who holds legal title to the property unless (a) he holds title only for convenience for purposes of inheritance or to avoid probate etc., and (b) he has no beneficial interest in the property, i.e., no right to possess and use the property or to receive the proceeds. Conversely, a person for whom legal title of property is held by another under these circumstances is the owner.

Interpretation -- Meaning of "owner". A determination of ownership of property is the process of finding out from the applicant or recipient and, when necessary, through other appropriate sources, what types of property he and/or the spouse own and what their proportionate interest is when property ownership is shared with others.

A person may hold or possess property and yet not "own" it. It is presumed for purposes of determining eligibility that the person who holds property or in whose name it stands "owns" it but this presumption may be refuted by evidence showing that there is no right to use the property, to receive the proceeds or to dispose of it.

Ownership of property may be vested in one individual or be shared with others. Common terms used to describe the shared ownership are co-ownership, joint ownership, tenancy in common, partnership and corporation.

A married individual may own property as his separate property or as community property with his spouse.

Having "title" to property is not the same as "owning" property. The word "title" is a technical term. One may have "title" to property and not "own" it and may "own" but not have "title" to property. A needy person would receive little sustenance from the mere "title" to property which he could not possess and control and which was not available to him for his support. Thus the right to possess, use, control and dispose of property is a criterion of ownership and must be considered along with possession of legal title.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.

Adopt new MPP Section 42-203.3 to read:

42-203 BASIC DEFINITIONS (Continued)

42-203

.3 Owner of Property

The owner of property is the person who has the legal title to, the right to or has possession of the property. Unless there is evidence to prove otherwise, it is presumed for purposes of determining eligibility that the person who "owns" the property has the right to possess, use, control, and dispose of the property.

The ownership of property may be vested in one individual or shared with others.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.

Adopt MPP Section 42-203.9 to read:

42-203 BASIC DEFINITIONS (Continued)

42-203

.9 Liquidated Sum

A liquidated sum, for purposes of this chapter, is that amount of money that can be realized from the sale or disposition of real or personal property. See Sections 42-203.1 and 42-203.2 for definitions of real and personal property.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.

Amend MPP 42-213.2u to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING
PROPERTY WHICH MAY BE RETAINED (Continued)

42-213

•2 Personal Property to be Excluded (Continued)

u. Tools of trade, Equipment, tools and materials including stocks and inventories of reasonable value which are necessary will assist the applicant or recipient to implement and continue an his/her approved plan of employment.

(1) The value of each item shall be separately and individually evaluated to determine if the value is typical of the value of the same tools, equipment, or materials that are ordinarily used in the individual's chosen occupation.

(2) The county shall determine if the items will assist the individual in his/her approved plan of employment.

(A) An approved plan of employment shall be the county's determination that:

1. The applicant or recipient has training, education, or background in the chosen occupation; and

2. There are no physical barriers which render the individual incapable of returning to his/her chosen occupation.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11155.

Adopt MPP Sections 42-213.4, .41, .42, .43, and .44 to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING 42-213
PROPERTY WHICH MAY BE RETAINED (Continued)

- .4 The home which was the usual home of an applicant/recipient who has entered into marital separation shall be treated as follows:
 - .41 The usual home shall be exempt in determining an applicant's eligibility for AFDC and for three months following the end of the month in which aid begins. [Handbook: See Section 44-317.]
 - .42 The usual home shall be exempt in evaluating a recipient's retained property during the month of separation and for three months following the end of the month in which the separation occurs.
 - .43 The applicant/recipient shall be informed when the exemption is granted that it is time-limited and that the expiration of the three month period may result in ineligibility.
 - .44 See Sections 42-213.3 and 42-201.1 for situations which require the home to remain excluded from property evaluation following the three month exemption period.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257(b).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

8506113
ORD# 1084-49

RECEIVED FOR FILING
JUN 11 12 45 PM '85

ENDORSED
APPROVED FOR FILING

JUN 18 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 18 1985

At 4:07 o'clock P. M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE

445-1878

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 69-201, 203, 204, 205, 206, 207, 208, 209, 210, 213, 215, 219, 221.

SECTIONS ADOPTED

40-125, 40-185, 42-625, 69-203, 69-204, 69-206.

SECTIONS REPEALED

40-125

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

Not Applicable

b. DATE OF ADOPTION OF REGULATION(S)

June 10, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Not Applicable

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on July 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Repeal existing Section 40-125.6 text and adopt new .6 text to read:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS,
AND RESTORATIONS (Continued)

40-125

- .6 An individual cannot receive aid under the APSB and SSI/SSP programs at the same time. The county welfare department has the responsibility of advising the APSB applicant that the SSI/SSP program, administered by the Social Security Administration, also provides for the exclusion of income and property which are essential to a blind recipient's plan for self-support. The county welfare department shall assist the person to the extent possible in his/her selection of the program which is more appropriate to his/her needs.

if the applicant does not meet the conditions of eligibility for a cash grant, the county shall, on the basis of the same application, determine whether he/she meets the conditions of eligibility for medical assistance as a medically needy person and, if so, make an appropriate certification.

Referral of Refugee Applicants

Refugee applicants eligible for a federal AFDC grant shall be referred to the Refugee Demonstration Project as their primary source of aid if they meet the criteria in MPP Section 69-206.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2; Chapter 69, Section 23, Statutes of 1981; and 8 USC 1522(e)(7).

(2) Adopt new Section 40-185.3 to read:

40-185 INTERPROGRAM TRANSFERS (Continued)

40-185

.3 Federal AFDC cases which contain refugees who meet the criteria found in MPP Section 69-204.31 shall be transferred interprogram to the Refugee Demonstration Project.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC 1522(e)(7).

(3) Adopt new Sections 42-625.4 and .5 to read:

42-625 WIN DEMO REGISTRATION AS A CONDITION OF
AFDC ELIGIBILITY (Continued)

42-625

- .4 Applicants for AFDC who are granted aid under the Refugee Demonstration Project in lieu of AFDC, pursuant to MPP Section 40-125.6, shall have the same registration requirements as other applicants for AFDC. Such individuals shall remain registered upon transfer to the AFDC program.
- .5 Registered AFDC recipients who are transferred to the Refugee Demonstration Project pursuant to MPP Section 40-185.3 shall remain registered while receiving aid under the Refugee Demonstration Project and shall remain registered upon transfer to the AFDC program.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC 1522(e)(7).

(4) Amend Sections 69-201.3 and .4 to read:

69-201 GENERAL STATEMENT (Continued)

69-201

- .3 County Welfare Departments (CWD) shall, upon notification from DSS, determine the eligibility of refugees in RRP for AFDC and, the Refugee Demonstration Project program (RDP) or Refugee Cash Assistance (RCA). Eligibility for SSI/SSP shall be determined by the Social Security Administration. The CWD shall administer these programs according to federal policy under the supervision of DSS for financial assistance and social services, and the State Department of Health Services (DHS) under interagency agreement with DSS for medical assistance.
- .4 All current AFDC program regulations apply unless specifically superseded by the RDP or RCA regulations contained herein.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(5) Amend Sections 69-203.31 and .32 to read:

69-203 DEFINITIONS (Continued)

69-203

.3 Children of Refugees

- .31 In a number of cases, children have been born in the United States to refugee parents, or have been born to a refugee and a United States citizen. These children are considered to be United States citizens by birth. However, under the following circumstances, such children are eligible for assistance (AFDC, SSI/SSP, RDP, RCA, and medical assistance) and social services funded under RRP:
- .32 United States citizen children born of a refugee and a United States citizen are not eligible for assistance or services funded by RRP if the household unit includes the United States citizen parent. In these situations, the refugee parent if eligible may receive RRP funded assistance (AFDC, SSI/SSP, RDP, RCA and/or medical assistance) and social services; and the United States citizen parent and the children if eligible may be aided under the regular (non-RRP funded) AFDC, SSI/SSP, medical assistance and/or social services programs.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2. and 8 USC Section 1522(e)(7).

(6) Adopt Section 69-203.4 "Title", renumber .4 text to .41, and adopt new .42 to read:

69-203 DEFINITIONS (Continued)

69-203

.4 Cash Assistance

.41 For purposes of determining eligibility for RCA, RCA means cash assistance provided to refugees who have been determined to be ineligible for AFDC or SSI/SSP and who have resided in the United States for 18 months or less from date of entry.

.42 For purposes of determining eligibility for RDP assistance, RDP means cash assistance provided to time-eligible refugee families who would otherwise be eligible for federal AFDC and who meet the requirements of Sections 69-204.3 and 69-206.

RDP is provided under the authority of Public Law 98-473, Amendment 6965, (8 USC Section 1522(e)(7)) and required under Welfare and Institutions Code Section 13200 for a three-year period. Certain refugee families applying for assistance and determined eligible for federal AFDC benefits must participate in RDP rather than AFDC. RDP provides cash assistance, based upon the AFDC payment standard, and a strong support service element designed to accelerate refugee acculturation and the development of employment skills.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(7) Adopt new Section 69-204.3 to read:

69-204 SPONSOR AND COUNTY RESPONSIBILITIES (Continued) 69-204

.3 Conversion

.31 CWDs shall transfer all current time-eligible refugee federal AFDC FG/U cases to the RDP program by September 30, 1985 except as follows:

.311 Refugee federal AFDC cases whose Caretaker Relative (FG) or Principal Earner (U) has fewer than 12 months of remaining refugee time-eligibility as of July 1, 1985 shall be exempted from the conversion.

.312 Conversion of current federal AFDC RDP-eligible cases awaiting a fair hearing decision involving an AFDC eligibility issue shall be delayed until the fair hearing decision is reached. If still federal AFDC eligible, the case shall then be converted to the RDP unless the Caretaker Relative (FG) or Principal Earner (U) has fewer than six months of time-eligibility remaining.

.32 At the time of conversion from federal AFDC FG/U to the RDP, CWDs shall refer the nonexempt Caretaker Relative/Principal Earner to the Central Intake Unit (CIU) for registration.

.33 Refugee cases terminated from RDP as specified under 69-213.3 and 69-213.6 shall be transferred to federal AFDC FG/U via interprogram transfer if the RDP assistance unit is determined eligible. A new application is not required.

.331 Eligibility determinations shall include review of the number of hours worked and a redetermination of eligibility for the \$30 and 1/3 disregard.

.332 Connection with the labor force established prior to transfer to RDP shall be retained, provided that a break in aid has not occurred.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(8) Amend Section 69-205.3 to read:

69-205 ELIGIBILITY FOR SSI/SSP AND AFDC PROGRAMS (Continued) 69-205

.3 AFDC

Refugees who qualify for assistance under the federal AFDC program shall be aided under the RDP if eligible under Section 69-206. Other federal AFDC eligible refugees are to be aided under that program AFDC. For purposes of State-only AFDC-U program priority and transition, the CWD shall refer to refugee program instructions and directives issued by DSS. Those who do not qualify for the AFDC program shall have their eligibility determined for RCA per Section 69-206. The refugee has no option as to program preference.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(9) Amend Section 69-206 "Title"; amend and renumber Section 69-206.1 text to .12, .21 text to .212, and .211 through .215 to .212(a) through (e); amend Sections .22, .3, .4; and adopt new .11, .111, and .211(a) through (f) to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION
PROJECT (RDP) OR REFUGEE CASH ASSISTANCE (RCA)

69-206

.1 Eligibility Factors

.11 RDP

All eligibility requirements for the federal AFDC program, Family Group (FG) or Unemployed Parent (U), apply to RDP. Additional factors which must be considered in determining eligibility are: time eligibility (69-206.211); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

.111 Refugees residing in areas in which SDSS-funded employment-directed educational/training programs are not available shall not be required to participate in RDP.

.12 RCA

Requirements of categorical relatedness applicable to the AFDC program are waived for aid payments assistance under RCA (see Section 69-203.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.212); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

.2 Eligibility Determination

AFDC program forms shall be used for eligibility determination, unless alternate forms are approved by DSS for use by the CWD.

.21 Time-Eligibility

.211 RDP-Eligibility for RDP is limited to the first 36 months following the date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month.

- (a) A refugee who is within the 36-month period following date of entry in the United States is referred to as an RDP time-eligible refugee for purposes of RDP.
- (b) A refugee who has lived in the United States for more than 36 months is referred to as an RDP time-expired refugee.
- (c) Children born in the United States of refugee parents (Section 69-203.3) shall be considered time-expired based on the most recently arrived parent's expiration date or at the end of the 36th month from the child's birth date, whichever occurs sooner; however, the entire assistance unit shall remain in the RDP case until the time-expiration of the Caretaker Relative/Principal Earner.
- (d) The month of arrival, as indicated on the INS Form I-94, or the month of birth is counted as the first month in determining time-eligibility.
- (e) All refugee recipients aided under RDP shall have their time-eligibility reviewed to determine if they are still RDP time-eligible. RDP time-expired refugees shall be aided under other federal, state and/or county-funded programs, if otherwise eligible.
- (f) All refugee applicants shall have at least six months of refugee time-eligibility remaining to be eligible for RDP.

.212 RCA-Eligibility for RCA is limited to the first 18 months following the refugee's date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month. Unaccompanied refugee children (Section 69-211) are not subject to the 18-month time-limitation.

211(a) A refugee who is within the 18-month period following date of entry in the United States is referred to as a RCA time-eligible refugee for purposes of RCA.

212(b) A refugee who has lived in the United States for more than 18 months is referred to as a RCA time-expired refugee.

213(c) Children born in the United State of refugee parents (Section 69-203.3) shall be considered time-expired based on the most recently arrived parent's expiration date or at the end of the 18th month from the child's birth date, whichever occurs sooner.

214(d) The month of arrival, as indicated on the INS Form I-94, or the month of birth is counted as the first month in determining time-eligibility.

215(e) All refugee recipients aided under RCA shall have their time-eligibility reviewed to determine if they are still RCA time-eligible. RCA time-expired refugees shall be aided under other federal, state and/or county-funded programs, if otherwise eligible.

.22 Redetermination of Eligibility

A periodic redetermination of RDP or RCA eligibility shall be made in accordance with the procedures outlined in AFDC regulations.

.3 Family Budget Assistance Units, RCA Only

Family Budget Assistance Units (FBUs) shall be established as follows:

- .31 Parents and their children under 18 years of age shall be in the same FBU assistance unit.
 - .32 Brothers and/or sisters 18 years of age or older residing together may each be established in their own FBU assistance unit.
 - .33 Single adult refugees shall each be established in their own FBU assistance unit.
 - .34 Married couples without children shall be in the same FBU assistance unit.
- .4 Income Eligibility Exceptions

Income eligibility determinations shall be made in accordance with AFDC regulations except the \$30 and 1/3 or, as applicable, the \$30 disregard and sponsored alien provisions shall not apply in determining net nonexempt income.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(10) Amend Sections 69-207.1 and .2 to read:

69-207 INCOME AND RESOURCES

69-207

.1 Income

Income shall be considered on the same basis as in the AFDC program for determining need and computing the assistance payment, except that the \$30 and 1/3 or, as applicable, the \$30 disregard and sponsored alien provisions as it applies in the AFDC program shall not be applied to RDP or RCA cases.

.2 Resources

Real and personal property limitations shall be those prescribed in AFDC program regulations, except that the sponsored alien provisions in the AFDC program shall not be applied to RDP or RCA cases.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(11) Amend and renumber Sections 69-208.1, .2, .3, .5, and .6; and adopt new Subsections .12, .23, and .616 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS

.1 General Requirements

.11 As a condition of eligibility, every RDP or RCA applicant/recipient shall as required by the CWD, either 1) register and participate with a DSS-funded or other CWD approved and referred employment-directed education/training program, or 2) register and maintain registration with the State Employment Development Department (EDD); unless the applicant/recipient is exempt per Section 69-208.4 or good cause can be established per Section 69-208.63. Each RDP or RCA applicant/recipient must also accept an offer of employment or employment-directed education/training opportunity(ies) from any source which is determined to be appropriate by the CWD, unless he/she is exempt or good cause can be established. Inability to communicate in English does not make the refugee exempt and shall not be considered good cause.

.12 RDP applicants/recipients shall accept necessary supportive services, such as training-related expenses (TRE), work-related expenses (WRE) or child care, if these services are available, when provision of these services will permit acceptance of an appropriate training or employment opportunity.

.123 The applicant/recipient must provide written verification to the CWD of his/her registration with the employment-directed education/training program or EDD.

.134 Unless the order of priority is waived by DSS, CWDs shall, when referring RDP or RCA applicants/recipients to education/training programs, give priority first to DSS-funded programs and second to other CWD-approved programs. If no available education/training program can accept the applicant/recipient, the CWD shall refer the refugee to EDD for registration. Once the applicant/recipient has completed all available education/training programs, the CWD shall refer the refugee to EDD for registration.

.2 Employment and Employment-Directed Education/Training Requirements

.21 The CWD shall refer all nonexempt (see Section 69-208.4) RDP or RCA applicants and recipients to the local DSS-funded or CWD approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by DSS.

.22 If a nonexempt RDP or RCA applicant or recipient fails to do any of the following, he/she has not met the employment and employment-directed education/training requirements:

.221 Accept a bona fide offer of employment

.222 Accept a bona fide offer of employment-directed education/training, which is CWD sponsored, approved or referred; and participate in the education/training program in accordance with the criteria set by the program.

.223 Appear for employment interviews arranged by DSS-funded or CWD-approved employment-directed programs.

.224 Report to the DSS-funded or CWD-approved employment-directed program when requested to by that program.

.225 Accept referrals to employment interviews arranged by the DSS-funded or CWD-approved employment-directed program.

.23 Nonexempt RDP applicants/recipients shall accept necessary supportive services offered by the SDSS-funded employment-directed program.

.3 EDD Registration Requirements

.31 When it is determined that no available DSS-funded or CWD approved project(s) providing employment-directed services can accept the applicant or recipient, the CWD shall refer these nonexempt (see Section 69-208.4) RDP or RCA applicants and recipients to EDD for registration. The CWD shall use EDD approved forms for referral, and clearly indicate on the form that the person is a refugee.

.32 If a nonexempt RDP or RCA applicant or recipient fails to do any of the following, he/she has not met or maintained the EDD registration requirements:

.321 Appear for EDD-arranged interviews with employers.

.322 Report to EDD when requested to by EDD.

.323 Accept referrals to employment interviews arranged by EDD.

.324 Accept a bona fide offer of employment-directed education/training to which referred to by EDD, and participate in the education/training program in accordance with the criteria set by the program.

.325 Accept a bona fide offer of employment.

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.5 Other Requirements

As an applicant for RDP or RCA, a refugee shall not, during 30 consecutive calendar days immediately prior to the beginning date of aid have, without good cause, voluntarily quit, been discharged for willful misconduct, or refused to apply for or accept a bona fide offer of employment or employment-directed education/training, or participate in a CWD approved or referred employment-directed education/training program.

.6 Cause Determinations

.61 Conditions Under Which Cause Determinations Must Be Made

Using the criteria found in Section 69-208.62, the CWD shall make a cause determination within 10 working days of learning or being advised that the nonexempt refugee who is an RDP or RCA applicant or recipient has:

.611 Failed to register or participate with a DSS-funded or CWD approved or referred employment-directed program as required; or

.612 Failed to register or to maintain registration with EDD as required; or

- .613 Failed to comply with the requirements contained in Section 69-208.22; or
- .614 Failed to comply with the requirements contained in Section 69-208.32; or
- .615 Failed to meet the requirements contained in Section 69-208.5; or
- .616 Refused RDP supportive services necessary to permit acceptance of an appropriate work or training offer.

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.6 Cause Determinations (Continued)

.62 Factors That Must Be Considered in Cause Determinations
(Continued)

- .626 The individual must be informed of the effect the refusal to accept or continue employment or employment-directed education/training, failure to accept supportive services where available and necessary, or failure to comply with the EDD registration requirements, without good cause, will have on his/her receipt of RDP or RCA.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(3)(7).

(12) Amend Sections 69-208.71, .711, and .73; and adopt new .712, .731, and .732 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.7 Penalties for Failure or Refusal to Comply With the
Registration, Employment and Employment-Directed
Education/Training Requirements (Continued)

.71 If the nonexempt RDP or RCA applicant or recipient has refused or failed, without good cause, to meet or comply with the requirements of Section 69-208.1 through 69-208.3 and 69-208.5, the CWD shall deny or discontinue the REA benefits ~~of~~ for that individual.

.711 Except as provided in Section 69-208.73, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the FBW assistance unit if the members are otherwise eligible.

.712 Except as provided in Section 69-208.73, the noncomplying individual shall be ineligible for RDP benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible, except that:

a. If the noncomplying individual is the unemployed parent, aid shall be discontinued to the entire assistance unit for the duration of the penalty period.

b. If the noncomplying individual is the caretaker relative, his/her aid shall be discontinued for the duration of the penalty period, and aid shall be continued to the remainder of the assistance unit in accordance with AFDC regulations.

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.7 Penalties for Failure or Refusal to Comply With the
Registration, Employment and Employment-Directed
Education/Training Requirements (Continued)

.73 There is no durational penalty attached to a failure or refusal to register with the employment, education/training program(s) or EDD. The nonemploying individual shall be ineligible for RCA benefits until he/she has registered as required.

.731 An RCA assistance unit shall be ineligible for RCA benefits until all of the nonexempt individuals in the applicant assistance unit have registered as required.

.732 An RDP assistance unit shall be ineligible for RDP benefits until the nonexempt caretaker relative (FG) or principal earner (U) has registered as required. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RDP benefits.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(13) Amend Sections 69-209, .3, and .6 to read:

69-209 AID PAYMENTS

69-209

Aid payments for RDP or RCA cases shall be based on AFDC regulations except that the \$30 and 1/3 or, as applicable, the \$30 disregard shall not be allowed in determining net nonexempt income.

- .1 Refugees will be eligible for recurring special needs allowances in accordance with AFDC regulations. Eligibility for nonrecurring special needs allowances exists but may be paid only for loss which has occurred subsequent to their arrival in California. Assistance for nonrecurring special needs is not to replace items of property which were left in the refugee's country of nationality.
- .2 Where there is an urgent need for assistance, the CWD shall in accordance with AFDC regulations make such provisions as are necessary to cope with the emergency by speeding up the application process and by issuing the initial grant to the refugee on an immediate need basis where apparent eligibility and immediate need exists.
- .3 Aid pending verification of refugee status shall not be authorized for purposes of RDP or RCA. The CWD shall complete a CA 6 Form on any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses to secure the appropriate documentation by contacting INS directly.
- .4 Eligibility for pregnancy special needs shall be determined in accordance with AFDC regulations.
- .5 Payments for unaccompanied refugee children shall be paid at the foster care rate established in the county.
- .6 Notwithstanding other eligibility requirements, refugee children who have been legally adopted by United States citizens are not eligible for assistance under this program RDP or RCA.

.7 Payments to adult refugees, who are not eligible for SSI/SSP and who in the county's judgment require nonmedical out-of-home care, shall be at the SSI/SSP nonmedical out-of-home care standards.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part .3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(14) Amend Section 69-210 to read:

69-210 OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD 69-210
REFERRALS

The methods outlined in AFDC regulations concerning the recoupment of overpayments, the correction of underpayments and the procedures concerning fraud shall be followed in RDP and RCA except that the \$30 and 1/3 or, as applicable, the \$30 disregard shall not be allowed in determining the net nonexempt income. Any overpayments/underpayments incurred by persons transferred from federal AFDC shall be recovered from the RDP grant.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(15) Amend Sections 69-213, .3, .5, and .6 to read:

69-213 TERMINATION OF AID

69-213

Aid payments to refugees under the RDP and RCA programs shall be discontinued in accordance with AFDC regulations and under the following circumstances:

- .1 A sponsor is meeting the full needs of the refugee or refugee family, in accordance with AFDC standards of assistance.
- .2 A refugee marries a United State citizen or other nonrefugee, including a time-expired refugee, who is able to meet the refugee's needs. In these circumstances, aid shall be discontinued for the refugee parent. Aid for the minor child(ren) in the budget assistance unit shall be continued unless the United States citizen or other nonrefugee stepparent is able to meet all needs of the child(ren) in accordance with AFDC standards of assistance.
- .3 A refugee becomes time-expired (per Section 69-206.212), becomes a naturalized United States citizen or otherwise loses refugee status.
- .4 A refugee fails to meet, without good cause, the registration employment and educational/training requirements (see Section 69-208).
- .5 A refugee fails to cooperate in providing sponsor or VOLAG information for purposes of determining eligibility for RDP or RCA.
- .6 When 100 percent federal funding ceases for the RDP or RCA program.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(16) Amend Section 69-215 to read:

69-215 INTERCOUNTY TRANSFERS

69-215

.1 The procedures for intercounty transfers as outlined in AFDC program regulations shall be applied in ~~this program~~ RCA and RDP.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(17) Amend Section 69-219.21 and adopt new Section .22 to read:

69-219 CLAIMING AND REIMBURSEMENT (Continued)

69-219

.2 Case Numbers - General

.21 All RCA cases, including those for unaccompanied refugee children, shall be designated with the aid codes as follows:

.211 Aid Code 01 - all refugees from Cambodia, Laos and Vietnam.

.212 Aid Code 07 - all other refugees.

.22 All RDP cases shall be designated with the following aid codes:

.221 Aid Code 77 - federal AFDC-FG eligible refugee cases aided under RDP (RDP-FG).

.222 Aid Code 78 - federal AFDC-U eligible refugee cases aided under RDP (RDP-U).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(18) Amend Section 69-221 to read:

69-221 FAIR HEARINGS

69-221

Applicants for and recipients of RDP or RCA shall have the right to appeal adverse actions in accordance with MPP Chapter 22-000.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1284-65

RECEIVED
JUN 4 2 58 PM '85

OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING

JUN 26 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 26 1985
At 4:07 o'clock P. M.
MARCH FONG EU, Secretary of State
By Virginia L. Brady
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 11-402.131, .311, .413, .414, .431, and .821

SECTIONS ADOPTED

11-402.56

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing MAY 29, 1985

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

January 18, 1985

b. DATE OF ADOPTION OF REGULATION(S)

JUNE 3, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 22 - April 5, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on July 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 11-402.131 to read:

11-402 GROUP HOME RATE SETTING

11-402

•1 Rate Determination Process (Continued)

•13 Cost Reporting Period

•131 Actual cost data shall be reported for the 12 months of the immediately preceding calendar year period, beginning January 1 and ending December 31 except as provided in (a) ~~or~~ (b) ~~or~~ (c) below:

(a) The provider meets the conditions specified in Section 11-402.5, Deviations From the Rate Setting Process.

(b) The provider was unable to submit actual ~~1982~~ cost data to establish a rate for the immediately preceding fiscal year, and has accumulated a minimum of six consecutive months of actual cost data for the immediately preceding calendar year 1983. Providers that meet this condition, shall submit costs for each consecutive, full month for which costs are available ending December 31 ~~1983~~.

(c) For the fiscal year ~~1984/85~~, the provider shall be permitted to choose a 15-month cost period, beginning January 1 ~~1983~~ and ending March 31 ~~1984~~. If this option is chosen, the provider shall notify the Department in writing, no later than July 1 ~~1984~~.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554, 11402.9, and 11462.

Amend Section 11-402.311 to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•3 Accounting Requirements

•31 General Requirements

•311 The accrual basis of accounting shall be used in reporting actual allowable costs.

(a) Accrued costs for the preceding year must have been paid by the rate request due date. (See Section 11-402.413.)

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Accrued employee vacation and sick leave are considered intangible liabilities rather than costs. These need not be paid off by the rate request due date but should be reported as employee benefits in the cost period when accrued. These costs must not be shown again when paid.

(b) Accrued costs not paid by the due date of the rate request shall be expensed in the subsequent cost period in which they are paid.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11402.9 and 11462.

Amend Sections 11-402.413, .414, and .431 to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.4 Rate Request Process

.41 Rate Request Submission (Continued)

.413 A complete rate request is due April 1 of each year.

(a) For the fiscal year 1984/85 providers who choose a 15-month cost period as specified in Section 11-402.413(f) must submit a complete rate request by August 1, 1984.

.414 A rate request shall not be accepted from an existing provider after July 1 of each year. Providers who do not submit a complete rate request by July 1 shall not have a rate set for the new fiscal year and the rate set for the prior fiscal year shall remain in effect shall not receive AFDC-FE funds after September 1.

(a) For the fiscal year 1984/85 rate setting period, providers who choose a 15 month cost period as specified in Section 11-402.413(f) who do not submit a rate request by November 1, 1984 shall not have a rate set for the new fiscal year and shall not receive AFDC-FE funds after January 1, 1985.

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.4 Rate Request Process (Continued)

.43 Certified Public Accountant (CPA) Requirements

.431 Those providers that were required to obtain Certified Public Accountant (CPA) audits for their fiscal year 1982/83 shall be required to obtain a CPA audit for the fiscal year 1983/84.

(a) A copy of the most recent CPA audit shall be submitted along with the rate request.

or within three months from the close of
the provider's fiscal year.

.4321 (Continued)

.4332 (Continued)

Authority: Welfare and Institutions Code Sections 10553,
10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554,
11402.9 and 11462.

Renumber Section 11-402.56 and adopt new Section 11-402.56 to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.5 Deviations from the Rate Setting Process (Continued)

.567 Public Institutions

.5671 (Continued)

.5672 (Continued)

.5673 (Continued)

.56 Regional Center Providers

.561 For the Fiscal Year 1985/86, providers shall be permitted to receive their Fiscal Year 1984/85 AFDC-FC group home rate when the following conditions are met:

(a) The majority number of residents in placement during the 1984 calendar year were placed by regional center(s) and funded by the Department of Developmental Services.

(b) The number of AFDC-FC funded children in placement during 1984 calendar year comprised no more than either 20 percent of the total group home licensed capacity or two children, whichever is greater for a given program.

.562 Providers who meet the conditions in .561 above and choose to continue receiving their fiscal year 1984/85 AFDC-FC group home rate shall submit justification to that effect to the Department by April 1, 1985.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

Amend Section 11-402.821(b)(2) to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.8 Overpayments (Continued)

.821 Overpayment (Continued)

(b) (Continued)

- (1) When a provider submits a timely, completed rate request which results in a new, lower rate and the rate must be set retroactively to July 1 due to Department delay in setting the rate, the resulting overpayment state administrative error shall not be considered a state administrative error overpayment pursuant to .821 above.
- (2) For the fiscal year 1984/85 rate setting period, Department delay in setting rates shall not be considered an overpayment pursuant to .821(b)(1) above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.